



# राजपत्र, हिमाचल प्रदेश

## CORRIGENDUM

The page Nos. 997 and 998 of the Himachal Pradesh Government extraordinary gazette dated the 22nd June, 1981 may please be read as page Nos. 497 and 498.

हिमाचल प्रदेश हाई कोर्ट, काइर शासक कानिकावर तथा कामकाला भाक दृष्टिकोण

|         |   |         |
|---------|---|---------|
| प्राव 4 | स्वास्थ्य स्वाक्षर शासन: न्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफिकेशन और टाउन बिल्डिंग विभाग विभाग राज विभाग       | 936     |
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| भाग 7   | भारतीय निर्वाचन पारिषद (Election Commission of India) द्वारा वैदिक प्रधिकृत विभाग विभाग निर्वाचन संबंधी विभिन्न विभाग | 972     |
|         | प्रन्तुरुक  |         |

27 जून, 1981/6 ग्राहाङ्, 1983 को समाप्त होने वाले वर्ष कल्पत्रॄ में निम्नलिखित विवरितियाँ 'प्रशासन राजपत्र, हिमाचल प्रदेश' में व्रकाशित हुईः—

| विवरिति की संख्या               | विवर का नाम                    | विवर  |
|---------------------------------|--------------------------------|---|
| —                               | Directorate of State Lotteries | Result of 54th draw held at Simla on 20-6-81  |
| स्वा. 1856, दिनांक 16 जून, 1981 | कार्यालय उपायुक्त, ज़िला शिमला | ग्राम पंचायत कांगल, तहसील कुमारसेन, ज़िला शिमला के लिये महिला पंच के सहविकल्प की सूचना। |

माना 1—वैधानिक नियमों को द्वारा कर हिमाचल प्रदेश के राजपत्रस्त और हिमाचल प्रदेश हाई कोर्ट द्वारा प्रधिसूचनाएं इत्यादि

### हिमाचल प्रदेश हाई कोर्ट

#### NOTIFICATIONS

Simla-1, the 28th May, 1981

No. HHC/GAZ/14-77-75-6553.—The Hon'ble Chief Justice is pleased to grant 11 days earned leave with effect from 27-5-1981 to 6-6-1981 with permission to suffix holiday falling on 7-6-1981 in favour of Shri Vinod Kumar Gupta, Sub-Judge-cum-Judicial Magistrate, Dehra, District Kangra, Himachal Pradesh.

Certified that Shri V.K. Gupta is likely to join the same post and at the same station from where he proceeded on leave after the expiry of the above period of leave.

Certified further that Shri V.K. Gupta would have continued to hold the post of Sub-Judge-cum-Judicial Magistrate but for his proceeding on leave.

Simla-1, the 28th May, 1981

No. HHC/GAZ/14-29-74-6460.—The Hon'ble Chief Justice is pleased to grant 30 days earned leave with effect from 1-6-1981 to 30-6-1981 with permission to prefix holiday falling on 31-5-1981 in favour of Shri B. S. Chauhan, Senior Sub-Judge-cum-Chief Judicial Magistrate, Bilaspur, District Bilaspur, Himachal Pradesh.

Certified that Shri B. S. Chauhan, Senior Sub-Judge-cum-Chief Judicial Magistrate is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above period of leave.

Certified further that Shri B.S. Chauhan would have continued to hold the post of Senior Sub-Judge-cum-Chief Judicial Magistrate but for his proceedings on leave.

Simla-1, the 28th May, 1981

No. HHC/GAZ/14-42/74-6464.—The Hon'ble Chief Justice is pleased to accord *ex-post-facto* sanction to the grant of 13 days earned leave with effect from 11-5-1981 to 23-5-1981 with permission to prefix and suffix holidays on 9/10-5-1981 and 24-5-1981 respectively in favour of Shri K. C. Negi, Sub-Judge-cum-Judicial Magistrate, Dalhousie, District Chamba, Himachal Pradesh.

Certified that Shri K.C. Negi, Sub-Judge-cum-Judicial Magistrate joined the same post and at the same station from where he proceeded on leave after the expiry of the above period of leave.

Certified further that Shri K. C. Negi would have continued to hold the post of Sub-Judge-cum-Judicial Magistrate but for his proceeding on leave.

By order,  
V. P. BHATNAGAR,  
Registrar.

Simla-1, the 2nd June, 1981

No. HHC/GAZ/14-52/74-II-6610.—On his reporting for duties by Shri R. K. Gupta, formerly posted as Senior Sub-Judge-cum-Chief Judicial Magistrate, Chamba, in the High Court on the afternoon of 1st June, 1981, the Hon'ble Chief Justice and the Judges are pleased to post him as Sub-Judge-cum-Judicial Magistrate 1st Class, Simla vice Shri D.S. Negi, a Member of the Himachal Pradesh Judicial Service.

2. Shri Gupta shall not be entitled to any joining time.

BY ORDER OF THE HON'ABLE CHIEF JUSTICE  
AND HIS COMPANION JUDGES.

V. P. BHATNAGAR,  
Registrar.

Simla-1, the 3rd June, 1981

No. HHC/GAZ/3-7/71-II-6625.—The Hon'ble Chief Justice is pleased to grant 11 days earned leave with effect

from 2-6-1981 to 12-6-1981 with permission to suffix summer holidays with effect from 13-6-1981 to 21-6-1981 in favour of Shri B. K. Sharma, Deputy Registrar (Jud.) of this Court.

Certified that Shri B. K. Sharma, Deputy Registrar, is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above period of leave.

Certified further that Shri B.K. Sharma would have continued to officiate as Deputy Registrar (Jud.) but for his proceeding on leave.

By order,  
Sd/-  
Deputy Registrar (Admin.).

Simla-1, the 3rd June, 1981

No. HHC/Admn. 16 (8)/74-6732.—In exercise of the powers vested in them by section 139(b) of the Code of Civil Procedure, 1908, the Hon'ble Chief Justice and Judges are pleased to appoint for a period of two years from the date of the issue of this notification the following Advocates as Oath Commissioners for the places mentioned against their names for administering oaths/affirmations on affidavits to the deponents under the Code in accordance with the terms specified in paragraph 5 of Ch. 12-B of the Punjab High Court Rules and Orders, Vol. IV, as applied to Himachal Pradesh:—

| Sl.No. | Name of the Advocate           | Place    |
|--------|--------------------------------|----------|
| 1.     | Shri Bansi Lal, Advocate       | Hamirpur |
| 2.     | Shri Suresh Mussafir, Advocate | Hamirpur |

Simla-1, the 3rd June, 1981

No. HHC/Admn. 16 (24)/75-6723.—In exercise of the powers vested in them by section 139(b) of the Code of Civil Procedure, the Hon'ble Chief Justice and Judges are pleased to appoint Shri Romesh Chander Advocate, Amb, for a period of two years from the date of the issue of this notification, as Oath Commissioner at Amb, District Una, Himachal Pradesh, for administering oaths/affirmations on affidavits to the deponents under the Code in accordance with the terms specified in paragraph 5 of Chapter 12-B, Vol. IV of the Punjab High Court Rules and Orders as applied to Himachal Pradesh.

Simla-1, the 3rd June, 1981

No. HHC/Admn. 16 (7)/74-I-6714.—In exercise of the powers vested in them by section 139 (b) of the Code of Civil Procedure, 1908, the Hon'ble Chief Justice and Judges are pleased to appoint for a period of two years from the date given below the following Advocates as Oath Commissioners for the places mentioned against their names for administering oaths/affirmations on affidavits to the deponents under the Code in accordance with the terms specified in paragraph 5 of Ch. 12-B of the Punjab High Court Rules and Orders, Vol. IV, as applied to Himachal Pradesh:—

| Sl. No. | Name of the Advocate  | Place                                    |
|---------|-----------------------|--|
| 1.      | Shri Raj Kumar Sharma | Dehra (with immediate effect).           |
| 2.      | Shri A.D. Prabhakar   | Dehra (with effect from 5th July, 1981). |

By order,  
V. P. BHATNAGAR,  
Registrar.

**हिमाचल प्रदेश सरकार**  
**PERSONNEL DEPARTMENT**  
**NOTIFICATION**

*Simla-2, the 2nd May, 1981*

**No. PER (A-I)-A (2)-1/78.**—In exercise of the powers conferred by section 133 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Governor, Himachal Pradesh is pleased to specially empower the following officers to exercise all the powers under this section of the said Code within the local limits of Chamba district with immediate effect:—

1. General Assistant to Deputy Commissioner, Chamba.
2. District Development and Panchayat Officer, Chamba.

Sd/-  
*Deputy Secretary.*

**AGRICULTURE DEPARTMENT**

**NOTIFICATION**

*Simla-171002, the 1st May, 1981*

**No. Agr.B (3)-19/76.**—The Governor, Himachal Pradesh, is pleased to order the transfer of Shri H.S. Dua, Assistant Development Officer (Vegetable), Solan, along with his post to Simla and to fix his headquarters in the Directorate of Agriculture, Himachal Pradesh, Simla-171005, with immediate effect in the public interest.

By order,  
*B. C. NEGI.*  
*Secretary.*

**EXCISE AND TAXATION DEPARTMENT**

**NOTIFICATION**

*Simla, the 25th March, 1981*

**No. 9-1/70-E&T.**—In continuation of this department notification of even No., date 20th June, 1977, the Governor of Himachal Pradesh, is pleased to extend the terms of the State Liaison Committee upto June, 1982. The function of the Committee will be the same as have been notified in this department notification of even number, dated 18th May, 1972.

ANANG PAL,  
*Commissioner-cum-Secretary*

**FOREST FARMING AND ENVIRONMENTAL CONSERVATION DEPARTMENT**

**NOTIFICATION**

*Simla-2, the 1st May, 1981*

**No. 1-9/72-SF (Estt)-II.**—The Governor, Himachal Pradesh is pleased to allow Shri D. D. Shagotar, I. F. S. presently posted as Divisional Forest Officer, Training Division Chail to retire *w.e.f.* 31. 7. 81 (A. N.) on attaining the age of superannuation *i. e.* 58 year.

R. C. GUPTA,  
*Secretary.*

**GENERAL ADMINISTRATION DEPARTMENT**

**NOTIFICATION**

*Simla-171002, the 30th April, 1981*

**No. GAD (A) F (4) 27/80.**—In exercise of the powers vested in him under section 7 (2) of the Himachal Pradesh

Ex-Servicemen Corporation Act, 1979, the Governor, Himachal Pradesh is pleased to appoint Lt. Col. Duni Chand Katoch (Retd.) as Vice Chairman with effect from 16th April, 1981 (F.N.) for a period of two years on the following terms and conditions:—

- (a) Free Semi-furnished accommodation or Rs. 400 per month in lieu thereof.
- (b) Conveyance allowance at the rate of Rs. 300 per month.
- (c) T.A./D.A. as are admissible to Class-I Officers.

K. C. PANDEYA,  
*Chief Secretary.*

**HEALTH & FAMILY WELFARE DEPARTMENT**

**NOTIFICATION**

*Simla-2, the 10th March, 1981*

**No. HFW-F (9) 2/79.**—In exercise of the powers conferred under section 88 of E.S.I. Act, 1948, the Governor of Himachal Pradesh is pleased to exempt the following Sales/Medical Representatives of M/s. Devi Dass Gopal Krishan, Private Ltd., Moga, from the operation of the E. S. I. Act, 1948 (as amended):—

| Name of the employees   | Place of posting of Sales/Medical representative | Period of exemption |
|-------------------------|--|---------------------|
| Sh. Kartar Singh Jaggi. | Mandi (H. P.)                                    | 1-7-80 to 30-6-81   |

The above exemption is subject to the conditions which are as under:—

1. The aforesaid factory/establishment wherein the employees are employed shall maintain a Register, showing the names and designations of the exempted employees.
2. Notwithstanding this exemption, the employees shall *continue to receive such benefit under the said Act to which they might have become entitled to on the basis of the contribution paid to the date from which exemption granted by this notification operates;*
3. The contribution from the exempted period, if already paid, shall not be refunded;
4. The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the employees State Insurance (General) Regulations, 1950;

Any Inspector appointed by the corporation under sub-section (1) of the section of the said Act, or other official of the corporation authorised in this behalf shall, for the purposes of:—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
- (ii) ascertaining whether Registers and records were maintained as required by the Employees State Insurance (General) Regulations, 1950, for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employees in cash and kind being benefits in consideration of which exemption is being granted under the notification; or
- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relations to the said factory be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such documents, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises, or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies or take extracts from any register, account book or other documents maintained in such factory, establishment, office or other premises.

6th March, 1981, the Governor of Himachal Pradesh is pleased to nominate the Secretary (Welfare) to the Govt. of Himachal Pradesh as a member of the H. P. Family Welfare Board with immediate effect.

A. N. VIDYARTHI,  
Secretary.

#### CORRIGENDUM

Simla-2, the 30th March, 1981

No. SWA. 6 (CH)-2-3/79-II.—Please substitute the words "District Project Officers" for "Director Project Officers" and "Member" for "Members" appearing against Serial Nos. 9 & 10, respectively in this Deptt. Notification of even number, dated 4-2-1981, regarding constitution of 'Steering Committee' for the implementation of US Aid Area Development Project in Himachal Pradesh.

By order,

A. N. VIDYARTHI,  
Secretary.

#### ADDENDA

Simla-2, the 20th March, 1981

No. Health-B (3)-119/78.—In this department notification of even number, dated 14-1-1981, the words "A.N." be added after 21-12-78.

Simla-171002, the 25th March, 1981

No. Health-B (3)-189/80.—In this department notification of even number, dated 6-2-1981 the words "F. N." be added after 28-5-1980.

Simla-171002, the 25th March, 1981

No. Health-B (3)-8/81.—In this department notification of even No., dated 13-2-1981 the words "F. N." be added after 6-9-1980.

R. C. GUPTA,  
Secretary.

#### MEMORANDUM

Simla-2, the 30th, March, 1981

No. Health-B (2)-17/80.—The Governor, Himachal Pradesh, is pleased to appoint the following doctors as Project Officers under the US AD Scheme in the pay-scale of Rs. 1400—2000 and post them in the districts mentioned against each:—

| S. No. | Name of doctor    | Name of District where posted |
|--------|-------------------|-------------------------------|
| 1.     | Dr. Des Pal Mohil | Dharamsala, District Kangra   |
| 2.     | Dr. K. L. Kapoor  | Nahan, District Sirmur        |
| 3.     | Dr. V. K. Singh   | Hamirpur, District Hamirpur.  |

These officers will be entitled to usual joining time & T. T. A. as admissible under the rules.

#### NOTIFICATION

Simla-2, the 30th March, 1981

No. HFW-F (10)-10/80-B.—In partial modification of this department notification of even number, dated the

#### ADDENDUM

Simla-171002, the 21st April, 1981

No. Health-A (3)-12/80 (A).—Please add the word 'not' between the words 'shall' and 'be' appearing in line 5 against item No. 11. under heading 'Departmental Examination' of this department notification of even number, dated 1-4-1981.

A. N. VIDYARTHI,  
Secretary.

#### LAW DEPARTMENT

##### NOTIFICATION

Simla-2, the 24th March, 1981

No. LLR.B (2) 2/79.—In continuation of this department notification of even numbers, dated the 16th January, 1980 and 6th June, 1980, the Governor, Himachal Pradesh is pleased to extend the temporary appointments of the following A. P. Ps. as ADA-cum-PPs in the pay scale of Rs. 825—1580 purely on *ad hoc* basis for the period shown against their names on the same terms and conditions specified in this department notifications of even numbers, dated the 25th May, 1979 and 8th Nov., 1979:—

S/Shri

1. Gurdial Singh From 1-4-80 to 6-1-81
2. Bhim Singh -do-
3. Chaman Lal -do-
4. Swaran Singh From 9-5-80 to 6-1-81
5. Partap Chand -do-

J. G. MALHOTRA,  
L. R.-cum-Secretary.

## भाग 2—वैधानिक नियमों को लोड कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

PUBLIC WORKS DEPARTMENT  
NOTIFICATIONS

Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for the public purpose\*, it is hereby notified that any land in the locality described below is likely to be acquired for the said\* purpose.

The notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to be acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Simla and Outer Seraj, Kulu district, Simla-2.

\*Construction of Gumma-Jashla road.  
No. SE-II-R-54-1/80-14671-74. Simla, the 1st November, 1980.

## SPECIFICATION

| District: SIMLA |                 | Tehsil: KOTKHAI |           |
|-----------------|-----------------|-----------------|-----------|
| Village<br>1    | Khasra No.<br>2 | Area            |           |
|                 |                 | Big.<br>3       | Bis.<br>4 |
| NEHARA          | 314/313/307     | 14              | 14        |
|                 | 315/313/307     | 7               | 4         |
|                 | 316/313         | 28              | 12        |
|                 | 311/307         | 2               | 14        |
|                 | 312/307         | 3               | 0         |
| Total kita ..   | 5               | 56              | 4         |

No. SE-II-R-54-1/80-14687-90. Simla, the 1st November, 1980.

JANGLE MEHDUDA 1  
RELA. 2711 11

No. SE-II-R-54-1/80-14667-70. Simla, the 1st November, 1980.

|               |               |      |    |
|---------------|---------------|------|----|
| PARALI        | 1738/1709/1   | 529  | 4  |
|               | 427           | 1534 | 10 |
|               | 1701/1        | 0    | 4  |
|               | 1798/1725/427 | 1    | 5  |
|               | 1800/1725/427 | 0    | 7  |
|               | 1799/1725/427 | 0    | 5  |
|               | 1726/427      | 0    | 5  |
| Total kita .. | 7             | 2066 | 0  |

No. SE-II-R-54-1/80-14683-86. Simla, the 1st November, 1980.

KIARI 1 82 12

No. SE-II-R-54-1/80-14675-78. Simla, the 1st November, 1980.

BUHILA 1 3 6  
251/200 5 2  
272/252/200 2 7

| 1             | 2           | 3  | 4  |
|---------------|-------------|----|----|
|               | 268/252/200 | 1  | 15 |
|               | 271/252/200 | 3  | 18 |
|               | 265/200     | 1  | 19 |
|               | 265/252/200 | 1  | 10 |
|               | 266/252/200 | 1  | 3  |
|               | 269/252/200 | 1  | 4  |
|               | 271/252/200 | 3  | 0  |
|               | 19          | 2  | 10 |
|               | 20          | 0  | 8  |
|               | 274/252/200 | 43 | 0  |
| Total kita .. | 14          | 73 | 17 |

\*Construction of Odi-Kingal road.  
No. SE-II-R-54-5/80-1807-10. Simla, the 13th February, 1981.

## SPECIFICATION

| District: SIMLA |                 | Tehsil: KUMARSAIN |           |
|-----------------|-----------------|-------------------|-----------|
| Village<br>1    | Khasra No.<br>2 | Area              |           |
|                 |                 | Big.<br>3         | Bis.<br>4 |
| KARAVAT         | 84              | 0                 | 5         |
|                 | 85              | 1                 | 4         |
|                 | 83              | 1                 | 14        |
|                 | 86              | 0                 | 5         |
|                 | 279/62          | 2                 | 2         |
|                 | 77              | 2                 | 16        |
|                 | 90              | 3                 | 7         |
|                 | 256             | 2                 | 4         |
|                 | 258             | 3                 | 16        |
|                 | 69              | 5                 | 2         |
|                 | 70              | 4                 | 2         |
|                 | 257/1           | 0                 | 11        |
|                 | 258/1           | 0                 | 17        |
|                 | 259             | 0                 | 10        |
|                 | 245             | 5                 | 1         |
|                 | 246             | 1                 | 15        |
|                 | 259/1           | 0                 | 7         |
|                 | 63              | 2                 | 11        |
|                 | 280/62          | 16                | 12        |
|                 | 78              | 11                | 12        |
|                 | 257             | 0                 | 17        |
|                 | 257/2           | 0                 | 6         |
| Kita ..         | 22              | 67                | 16        |

No. SE-II-R-54-5/80-1815-18. Simla, the 13th February, 1981.

|       |        |    |    |
|-------|--------|----|----|
| SHALA | 32/1   | 1  | 9  |
|       | 299/45 | 2  | 13 |
|       | 300/45 | 2  | 7  |
|       | 54     | 1  | 10 |
|       | 298/22 | 14 | 9  |
|       | 36     | 2  | 19 |
|       | 42     | 6  | 14 |
|       | 50     | 1  | 2  |
|       | 67/2   | 0  | 3  |
|       | 70     | 0  | 10 |
|       | 51     | 0  | 19 |
|       | 67     | 0  | 16 |
|       | 67/1   | 0  | 10 |
|       | 68     | 0  | 4  |
|       | 53     | 1  | 2  |
|       | 40     | 0  | 5  |
|       | 43     | 5  | 6  |
|       | 44     | 5  | 6  |
|       | 317/10 | 1  | 18 |
|       | 25     | 1  | 2  |
|       | 23     | 1  | 7  |
|       | 33     | 1  | 8  |
|       | 37     | 4  | 7  |
|       | 320/10 |    |    |

| 1    | 2      | 3   | 4  | 1 | 2 | 3    | 4 |
|------|--------|-----|----|---|---|------|---|
|      | 41     | 6   | 10 |   | 3 | 3018 | 0 |
|      | 24/1   | 7   | 11 |   | 4 | 2908 | 0 |
|      | 24/2   | 2   | 4  |   | 5 | 2532 | 3 |
|      | 316/10 | 3   | 8  |   | 5 |      |   |
|      | 323/24 | 4   | 15 |   |   |      |   |
|      | 324/24 | 15  | 7  |   |   |      |   |
|      | 71     | 3   | 11 |   |   |      |   |
|      | 322/10 | 120 | 11 |   |   |      |   |
| Kita | 32     | 222 | 6  |   |   |      |   |

B. L. SHARMA,  
Superintending Engineer,  
2nd Circle, H.P.P.W.D., Simla-3.

CORRIGENDA

Una, the 1st June, 1981

No. ICU/PW/LA-Nalagarh/81-1552-55.— Following amendments in the notifications under section 6 and 7 of L.A. Act, 1894 issued *vide* this office letter No. 787-90 dated 24-4-81 is hereby made as under :—

Under column No. 5 Kanal be *read* as Bigha.  
Under column No. 6 Marlas be *read* as Biswa.

Una, the 1st June, 1981

No. ICU/PW/LA-Nalagarh/81-1560-63.— Following amendments in the notifications under section 6 and 7 of L.A. Act, 1894 issued *vide* this office letter No. 795-98 is hereby made as under :—

Under column No. 5 Kanal be *read* as Bigha.  
Under column No. 6 Marlas be *read* as Biswa.

Una, the 1st June, 1981

No. ICU/PW/LA-Nalagarh/81-1546-67.— Following amendments in the notifications under section 6 and 7 of L.A. Act, 1894 issued *vide* this office letter No. 783-86 dated 24-4-81 is hereby made as under :—

Under Column No. 5 Kanal be *read* as Bigha.  
Under Column No. 6 Marlas be *read* as Biswa.

Una, the 1st June, 1981

No. ICU/PW/LA - Nalagarh/81-1568-71.—Following amendments in the notifications under section 6 and 7 of L.A. Act, 1894 *vide* this office letter No. 799-802 dated 24.4.81 is hereby made as under :—

Under column No. 5 Kanal be *read* as Bigha.  
Under column No. 6 Marlas be *read* as Biswa.  
Under col. mn No. 3 Dhanna be *read* as Thana.

Una, the 1st June, 1981

No. ICU/PW/LA-Nalagarh/81-1556-59.—Following amendments in the notifications under section 6 and 7 of L.A. Act, 1894 issued *vide* this office letter No. 791-94 dated 24.4.81 is hereby made as under :—

Under column No. 5 Kanal be *read* as Bigha.  
Under column No. 6 Marlas be *read* as Biswa.

Sd/-

Superintending Engineer,  
Irrigation-cum-Public Health Circle,  
H.P.P.W.D., Una.

No. SE-II-R-54-5/80-1811-14. Simla-3, the 13th February, 1981.

JANGAL CHIDIAR 1 5674 12  
2 1935 18

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रबल समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनेंशल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि

**LAW DEPARTMENT**

**NOTIFICATION**

Simla-2, the 2nd March, 1981

No. LLR.B(1)3/74.—In exercise of the powers conferred by proviso to article 309 of the Constitution of

India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to make the following amendments in the Recruitment and Promotion Rules in respect of the posts of the Assistant Public Prosecutors notified *vide* this Department notification

No. LLR. B(1)3/74, dated the 15th November, 1974, namely:—

*Commencement.*—These rules shall come into force from the date of issue of this notification.

*Amendment of Rule 2.*—For the figure “20” appearing in rule 2 of the Recruitment and Promotion Rules for the post of Assistant Public Prosecutors in the Directorate of Prosecution herein after called the said rules, the figure “34” shall be substituted.

*Amendment of Rule 4.*—For the figures “350-15-380/20-500/20-600” in rule 4 of the said rules, the figures “700-25-850/30-1000/40-1200” shall be substituted.

*Amendment of Rule 6.*—For the existing rule 6 “As may be prescribed for direct recruitment to the H.P. Judicial Service from time to time” of the said rules, the following rule 6 shall be substituted:—

“Between 18 years and 30 years”.

*Amendment of Rule 7.*—For the existing Rule 7 “Essential: A professional Degree in Law of a recognised University or its equivalent” of the said rules, the following rule 7 shall be substituted:—

“*Essential.*—(i) A professional Degree in Law of a recognised University or its equivalent.

(ii) At least two years experience as an advocate.”

*Amendment of Rule 10.*—For the existing Rule 10 “By direct recruitment on the basis of competitive examination with the H.P. Judicial Service” of the said rules, the following rule 10 shall be substituted:—

“By direct recruitment”.

*Amendment of Rule 12.*—For the existing rule 12 of the said rules, the following rule 12 shall be substituted, namely:—

“D.P.C. as constituted by the Government from time to time.”

*Amendment of Rule 13.*—For the existing rule 13 “As required under the law”, the following shall be substituted:—

“Not applicable”.

*Amendment of Foot-notes.*—For existing foot-notes Nos. 5, 6, 8, the following foot-notes shall be substituted, namely:—

*Foot-note No. 5.*—Age for direct recruits reckoned from the last date fixed for receipt of application that may be fixed by the Government.

*Foot-note No. 6.*—Age in case of direct recruits shall be relaxable by the Government in case of candidates otherwise well qualified.

*Foot-Note No. 8.*—Selection for appointment in case of direct recruits will be made on the basis of *viva voce* test, or if the Government so considers necessary or expedient by a written test, the standard syllabus etc. of which will be determined by the Departmental Recruitment Committee.

The existing foot-notes Nos. 7 and 9 of the said rules, shall be deleted and foot-notes Nos. 8, 10 and 11 shall be re numbered as 7, 8 and 9.

J. C. MALHOTRA,  
Secretary.

#### LANGUAGE AND CULTURE DEPARTMENT

#### NOTIFICATION

Simla-2, the 5th March, 1981

**No. 17-4/73-LWP (Bhasha).**—The Governor, Himachal Pradesh is pleased to make the following amendments in the general Rules for the use of Kala Kendra in Dhalpur Maidan, Kulu, District Kulu notified

vide notification of even number, dated the 1st October, 1973, with immediate effect:—

#### AMENDMENTS

*Rule 1.*—After the end of the rule the following shall be added:—

“The Kala Kendra shall only be used for giving performances. The management and the members of the parties are not permitted to occupy the Kala Kendra Campus for residential purposes.

*Rule 2.*—The existing provision of the rule shall be substituted by the following:—

“The D.C. Kulu shall be competent authority to grant permission for organising a function or cultural performance in consultation with the officer-in-charge Kala Kendra Kulu.”

*Rule 4.*—After the end of the rule the following shall be added:

“A copy thereof shall also be endorsed to the District Language Officer, Kulu.”

*Rule 5.*—The existing provision shall be substituted by the following:—

The following shall be the rates for the occupation of the Kala Kendra Kulu:—

|  | For ticketed shows | For free shows |
|--|--------------------|----------------|
| (A) For single performance:                            | Rs.                | Rs.            |
| (i) Upto six hours occupation ..                       | 300                | 100            |
| (ii) More than 6 hours occupation ..                   | 500                | 150            |
| (B) For three or more consecutive performances:        |                    |                |
| (1) Upto six hours occupation on each occasion ..      | 250                | 75             |
| (2) More than six hours occupation on each occasion .. | 400                | 100            |

*Rule 6.*—At the end of the rule the following shall be added:—

“A copy of exemption order passed by the D.C. shall be endorsed to the Director, Language and Culture, Himachal Pradesh, Simla.”

*Rule 8.*—The following provision shall be added after the full stop appearing at the end of the rule:—

“Till a regular establishment for operating light and sound equipments in the Kala Kendra is available, the Officer-in-charge, Kala Kendra Kulu will engage personnel for this work on hire and shall pay them out of the amount received from the party concerned.”

After rule 10 the following new rule 11 shall be added:—

“*Rule 11.*—The Officer-in-charge, Kala Kendra, Kulu shall maintain record of all the functions held performances given in the Kala Kendra on the prescribed proforma (Annexure A):

#### ANNEXURE “A” KALA KENDRA, KULU Programme Register

| Sr. No. | Date | Name and address of the organisation | Name of the applicant |
|---------|------|--------------------------------------|-----------------------|
| 1       | 2    | 3                                    | 4                     |

| Brief description of the programme staged | Duration Hrs. Mts. | Amount paid | Remarks |
|---|--------------------|-------------|---------|
| 5   | 6                  | 7           | 8       |

S. M. KANWAR,  
Secretary.

भाग 4—स्थानीय स्वायत शासन: म्प्रूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग

PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Simla-2, the 20th March, 1981

No. PCH-HC (13)-1/77.—In exercise of the powers conferred under Rule 22 of the rules regulating grant of loans to Panchayati Raj Bodies in Himachal Pradesh under the scheme "Creation of Remunerative Assets" as notified *vide* this department notification No. 64/68-Panch. Sectt., dated 18-11-1971, the Governor, Himachal Pradesh is pleased to order the following amendment in rule 9 of the said rules; with effect from 1-4-1980:—

Please substitute the words "Penal interest @ 4% per annum" for the words "penal interest @ 8% per annum" under Rule 9 appearing in the notification referred to above.

R. L. SETH,  
Under Secretary.

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

In the Court of Sh. B. S. Chouhan, Senior Sub-Judge,  
Simla, H. P.

In case :

M/s Himachal Pradesh Horticultural Produce Marketing and Processing Corp. Ltd. Simla-2, H. P. Plaintiff.

Versus

Sh. Roshan Lal Jhangta v/o Sh. Kewal Ram Jhangta, Prop. Roshan Orchard, Village Jhikni, P.O. Jhiknipehul, Teh. Chopal, District. Simla, H. P. and others.

To

Shri Jag Mohan Jhangta, Clerk,  
H. P. State Co-operative Bank, The Mall Simla-1.

Whereas in the above noted case it has been proved to the satisfaction of this court that the above named defendant is evading the service of summons and can not be served in the normal course of service.

Hence this proclamation is hereby issued against him to appear in this court on 3-7-81 at 10 A.M. through an authorised agent or pleader to defend the case failing which *ex parte* proceedings will be taken against him.

Given under my hand and the seal of the court, this 25th day of Feb., 1981.

Seal.

B. S. CHOUHAN,  
Senior Sub-Judge, Simla.

NOTICE UNDER ORDER 5, RULE 20, C. P. C.

In the Court of Shri Jaswant Singh Tomar, Sub-Judge  
1st Class (3), Simla

M/s Himachal Pradesh Horticultural Produce Marketing & Processing Corporation Ltd., Simla having its registered office at Nigam Vihar, Simla-2 Plaintiff.

Versus.

Shri Dev Kumar Dogra son of Shri Gopi Chand, 2.  
Shri Kanti Dogra, Director, Land Mortgage Bank Ltd.,  
The Mall Simla Defendants.

Suit for recovery of Rs. 12,341.55

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Simla-2, the 20th March, 1981

No. LSG. A (4) 15/81.—In pursuance of notification of even number, dated 19-3-1981, the elected members of the Municipal Committee, Paonta Sahib, District Sirmur, Himachal Pradesh have ceased to be the members of that Committee and as such the said Committee is not competent to perform the duties imposed on it by or under the H. P. Municipal Act, 1968 or any other Act. Now, therefore, the Governor, Himachal Pradesh, in exercise of the powers vested in him under section 252-A of the Himachal Pradesh Municipal Act, is pleased to appoint the Sub-Divisional Magistrate, Paonta to exercise and perform all the powers and duties of the said Committee till the members of the Municipal Committee are elected.

By order,  
KANWAR SHAMSHER SINGH,  
Secretary.

Whereas in the above noted cases it has been proved to the satisfaction of this court that the above named defendant No. 2 (Shri Kanti Dogra) cannot be served by ordinary process as the summons issued to the defendant No. 2 have been received back un-served.

Hence, a notice under order 5, rule 20 C.P.C. is hereby issued against the above named defendant No. 2 to appear in this court on 3-7-1981 at 10 A. M. personally or through advocate otherwise *ex parte* proceedings shall be taken against the said defendant No. 2 (Kanti Dogra).

Given under my hand and seal of this Court this 2nd day of May, 1981 at Simla, H. P.

Seal. JASWANT SINGH TOMAR,  
Sub-Judge, 1st Class (3), Simla.

In the Court of Shri O. P. Sharma, Senior Sub-Judge,  
Simla, H. P.  
(EXERCISING THE POWER UNDER THE  
GUARDIAN AND WARDS ACT, 1890)

Case No. 4/2 of 80

Mr. Sushil Soleman Christian, r/o village Arala, Tehsil Palampur, Kangra district, Kangra ..Applicant.

Versus

Mrs. Nishat, resident of Abbey Feale Cottage, Lakkar Bazar, Simla ..Respondent.

Application under section 25 of the Guardian and Wards Act, 1890.

To

Mrs. Nishat, r/o. Abbey Feale Cottage,  
Lakkar Bazar, Simla.

Whereas the applicant has filed an application under section 25 of the Guardian and Wards Act for restoration of the custody of the person of Miss Mohini aged 10 years (Presently in your custody).

You are hereby notified through this proclamation to show case by appearing in this court on or before 6-7-1981, as to why the said application be not allowed.

Given under my hand and the seal of the court this 20th day of June, 1981.

Seal. O. P. SHARMA,  
Senior Sub-Judge, Simla.

In the Court of Shri V. K. Ahuja, Senior Sub-Judge  
Mandi, district Mandi, H. P.

Guardian Case No. 3/81

Smt. Gita Devi wd/o Prabh Dayal, r/o at present  
village Garshar, Tappa Mewa, Tehsil and District  
Hamirpur, H. P. ..Petitioner.

Versus

General Public ..Respondent.

Petition u/s 8 of the Hindu Minority and  
Guardianship Act, for permission to sell  
minor's property

Notice to :

The General Public.

Whereas the above named petitioner has applied  
for grant of permission to sell the property of Sh.  
Bučhi Ram minor, situated in village Yoh, Tehsil  
Sarkaghat, District Mandi, H. P.

Notice is hereby given to the General Public,  
relations, kinsmen and other interested persons, if  
any body has got any objection to the grant of permission  
to sell the minor's property, he may file objections,  
in this court on 30-6-1981 failing which the applica-  
tion will be heard and decided *ex parte*.

Given under my hand and the seal of the court,  
this 16th June, 1981.

Seal.

V. K. AHUJA,  
Senior Sub-Judge,  
Mandi district, Mandi.

इश्तहार निम्न आईर 5, रुल 20, जाता दीवानी

बग्रदलत श्री जी० एल० शर्मा, तहसीलदार बन्दोवस्त, कांगड़ा  
सर्कल (सहायक समाहर्ता प्रथम श्रेणी), तहसील व जिला  
कांगड़ा, दिग्गजन्त्र प्रदेश

बमुकदमा नम्बर 14/81 एस०टी० डी० 10 दहस्ती इन्द्राज दया राम पुत्र  
जोशू राम व हरबंस लाल पुत्र सुदामा, निवासी महाल नारी, मौजा  
धाटी विलवां, तहसील देहरा गोपीपुर, जिला कांगड़ा ..सायलान।

वनाम

सुरज प्रकाश पुत्र लखू, निवासी नारी, मौजा धाटी विलवां,  
तहसील देहरा गोपीपुर, जिला कांगड़ा ..फरीक दोयम।

मुकदमा दहस्ती इन्द्राज अराजी खाता नं० 42 मिन खतीनी  
नम्बर 94 मिन, खसरा नं० 718/463 रकवा तादारी 24 कनाल  
14 मरले वाक्या महाल नारी, मौजा धाटी विलवां, तहसील देहरा

गोपीपुर जावन खसरा निवादरी इन्द्राज 1974-75.

मुकदमा उपरोक्त में सूरज प्रकाश पुत्र लखू, निवासी महाल  
नारी, मौजा धाटी विलवां फरीक दोयम को वज्रिया समन व गर्जमटी  
ए० ३० डी० डारा कई बार इस अदालत में तज्ज्वल किया गया किन्तु  
उस पर समन की तामील न होनी पाई गई। फरीक दोयम मात्राया  
तामील पर हजिर अदालत नहीं हो रहा है इस प्रकाश वह अदालत  
हजा में हजिर होने से पेंडो-पेंग करने पाया जा रहा है। अतः  
उक्त गैर हजिर फरीक दोयम को जेर आईर 5, रुल 20, जाता  
दीवानी वज्रिया इश्तहार हजा डारा यूचित किया जाता है कि  
वह मुकदमा दहस्ती इन्द्राज को पैंग्डी हेतु आइन्द्रा नारीव दिनांक  
14-7-1981 को असालतन या वकालतन मुकाम देहरा नहरीन  
देहरा में हजिर आवे। यदि वह निश्चित तारोब पेंगी पर हजिर न होगा।  
तो उसके खिलाफ कार्यवाही यक तरफ़ा असन में लाई जायेगी।

आज दिनांक 22-4-81 मेंरे हस्ताक्षर व मोहर अदालत ने जारी  
हुआ।

मोहर।

जी० एल० शर्मा,  
सहायक समाहर्ता प्रथम श्रेणी,  
कांगड़ा ।

मदालनी नोटिस

बप्रदालत जनाव्र प्रकाश चन्द जस्सल, कुलैक्टर, उप-मण्डल बड़सर  
जिला हमोरपुर।

हस्ताम सिंह वनाम प्रभी आदि

उनवानः दरखास्त बराबे बरामद किये जाने मिसल अपील।

नोटिस वनामः

1. श्रीमती प्रभी देवी वेवा, 2. महर चन्द, 3. मुहूर राम,  
4. विश्व चन्द, 5. धर्म पिसरान रामा, माकनान  
टीका कठयाणा, तप्पा डट्वाल, तहसील बड़सर।

मुकदमा उपरोक्त उनवानवाला में उपरोक्त फोक दोयम को  
कई बार समन जारी किये गये मगर उनकी तामील जावता न हो  
रही है अतः उन्हें इस इश्तहार अखबार द्वारा सूचित किया जाता  
है कि वह वगंज पैंग्डी मुकदमा असालतन या वकालतन हमारे  
न्यायालय हजा में तिथि 1-7-81 को सुवह दस बजे हजिर आवे  
बमूरत दीपर कारंवाई जावता अमल में लाई जायेगी।

आज तिथि 1-6-81 को हस्ताक्षर हमारे व मोहर अदालत  
से जारी हुआ।

प्रकाश चन्द जस्सल,  
कुलैक्टर, बड़सर।

सब-डिवीजन बड़सर, हि० १।

ब्रदालत श्री चेत राम कोटवाल, तहसीलदार  
वयवस्थारात सहायक समाहर्ता, प्रथम श्रेणी, बड़सर, जिला हमीरपुर, हिमाचल

प्रेम चन्द वनाम अनन्त राम वर्गीरा।

उनवानः—वाता नं 62 बड़तीनी नं 95, खसरा नम्बरान 751, 752, 754, 772, 773, 791, 793, 794, 796, 803, 810, 841, किता 12, रक्वा तादादी 59 कनाल 7 मरले, अनुसार जमानदी 1975-76, टिका सिधपुर, तप्पा पाहलू, तहसील बड़सर, जिला हमीरपुर।

नोटिस वनामः—उसती वेवा महला, साविकी देवी वेवा, जगदीग चन्द, मदन मोहन, सलोकन चन्द पिसरान, मनोहरमा कुमारी पुर्वी मुम्ही राम, पाना पुत्र फित्यू, वरलाजो देवी वेवा, कांशो राम, वहस दाम, जगन नाथ, विश्वन वास, वज लाल पिसरान आरती उर्फ ग्रमरानी, कीशल्पा पुर्विया, निर्मला देवी वेवा, दीना नाथ, प्रकाश चन्द, रमेश चन्द पिसरान गंगा, कलासो देवी वेवा वंशी राम, भंडारी पिसरान, केमरी देवी पुर्वी मुम्ही, प्रेम चन्द, दमर नाथ पिसरान, सीधा वेवा रजिन कुमार, प्रदीप कुमार पिसरान प्रबू, सुभाष चन्द, मदन लाल पुत्रान, जोगी देवी पुर्वी लद्दिया पुत्र हनमलू, वासी सिधपुर, तप्पा पाहलू, तहसील बड़सर, जिला हमीरपुर फरीक दोयम।

उपरोक्त उनवान वाला में फरीक दोयम को कई बार समन जारी किये गये थार वह हाजिर अदालत नहीं आ रहे हैं। अदालत को विश्वास हो चुका है कि इनको इतना साधारण तरीका से नहीं हो सकती है। इसलिये इस इश्तहार द्वारा सूचित किता जाता है कि वह बराये पैरवी मुकदमा हमारे न्यायालय हजा में दिनांक 2-7-81 को अन्नान या वानानन मुबह 10 वजे हाजिर आवे अन्यथा कार्यवाही यक्त तरफा ग्रमन में नाई जायेगी।

आज दिनांक 2-6-81 को हमारे दस्तखत व मोहर अदालत से जारी हुआ।

मोहर। चेत राम कोटवाल,  
सहायक समाहर्ता, प्रथम श्रेणी,  
बड़सर, जिला हमीरपुर।

ब्रदालत श्री चेत राम कोटवाल, तहसीलदार  
वयवस्थारात समाहर्ता, द्वितीय श्रेणी, बड़सर, जिला हमीरपुर

नन्द वनाम अनन्त राम वर्गीरा।

उनवानः—दरस्ती दरखास्त कागजात माल भूमि खाता नं 45 मिन, बड़तीनी नं 100 मिन, खसरा नं 0 581, 588, 589, 594, किता 4, रक्वा 15 कनाल 9 मरले स्थित ग्राम टीका चंगर, तप्पा दट्टवान अनुसार जमानदी 1975-76.

नोटिस वनामः—अनन्त राम पुत्र लाला, भाग सिंह पुत्र कहेया वत्ती वेवा, वनिज सिंह भगवान सिंह, यशोक कुमार सुखल, लीला, देवी दुब्बल भगवीर, साकनन चंगर, तप्पा दट्टवान, तहसील बड़सर, जिला हमीरपुर फरीक दोयम।

उपरोक्त उनवान वाला में फरीक दोयम को कई बार समन जारी किये गये थार वह हाजिर अदालत नहीं हो रहे हैं। अदालत को विश्वास हो चुका है कि इनकी इतना साधारण तरीका से नहीं हो सकता है इसलिये इस इश्तहार द्वारा सूचित किया जाता है कि वह बराये पैरवी मुकदमा हमारी ग्रामालय में दिनांक 3-7-81 को असालतन या वकालतन मुबह 10 वजे हाजिर आवे अन्यथा कार्यवाही यक्त तरफा ग्रमन में लाई जाएगी।

आज दिनांक 3-6-81 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

चेत राम कोटवाल,  
सहायक समाहर्ता, द्वितीय श्रेणी,  
बड़सर, जिला हमीरपुर।

NOTICE  
STATE BANK OF INDIA  
REGIONAL OFFICE  
SIMLA (H.P.)

1. Shri M. K. Anand, Officer, Junior Management, assumed charge as Branch Manager of Nambol branch as at the close of business on the 3rd January, 1981.

2. Shri U. S. Negi, Officer, Junior Management, assumed complete charge as Head Cashier at Simla branch as on 24th February, 1981.

3. Shri T. R. Sharma, Staff Officer, assumed charge of Simla branch as Branch Manager as at the close of business on the 25th May, 1979.

4. Shri Sohan Lal, Officer, Junior Management, assumed charge as Manager (S1B) at Simla branch on the 1st June, 1980.

5. Shri D. Marwah, Officer, Junior Management, assumed charge as Manager (P) at Simla branch as on the 25th February, 1980.

6. Shri H. D. Upadhyay, Officer, Junior Management assumed charge as Accountant at Simla branch on the 19th February, 1980.

7. Shri V. D. Sharma, Officer Grade 1, assumed charge as Field Officer at Simla branch on the 1st July, 1979.

8. Shri Sharwan Kumar, Officer, Junior Management, assumed charge as Manager (P) at Nahan branch w.e.f. the 17th March, 1981.

9. Shri P. K. Sud, Officer, Junior Management, assumed charge as Accountant at Parwanoo branch on the 13th April, 1981.

10. Shri V. K. Magaon, Officer, Junior Management, assumed charge as Accountant at Nahan branch on the 6th December, 1980.

11. Shri N. C. Sood, Officer, Junior Management, assumed charge of Mandhol branch as Branch Manager on the opening of the branch on the 16th April, 1981.

12. Shri R. S. Negi, Officer, Junior Management, assumed charge as Accountant at Jubbal branch on the 27th April, 1981.

13. Shri B. C. Rana, Officer, Junior Management, assumed charge as Field Officer at Manali branch as from 21st April, 1981.

J. S. BHATNAGAR,  
Chief Regional Manager.

HIMACHAL PRADESH UNIVERSITY  
"CONDUCT BRANCH"

NOTIFICATION

No. 5-19/80-HPU (Conduct).—Shri Sant Ram Chauhan s/o Shri Baiji Ram Chauhan Registration No. 75-SU-8 has been allowed to change his name from Sant Ram Chauhan to Surinder Singh Chauhan. In future his name in the University record will be shown as Surinder Singh Chauhan alias Sant Ram Chauhan.

Sd/-  
Assistant Registrar (Conduct),  
H. P. University, Simla-171005.

## भाग 6—भारतीय राजस्व इत्यादि में से एक: प्रकाशन

## LAW DEPARTMENT

## NOTIFICATION

Simla-171002, the 27th February, 1981

No. LLR-E (9) 10/79.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Extraordinary, Part-II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra, for the information of general public:—

| Sl. No. | Title   | Date of assent | Date of the Gazette of India (Extra-Ordinary) | Part-II, Section-I in which the Acts were published |
|---------|---|----------------|---|---|
| 1.      | The Advocates (Amendment) Act, 1980 (Act No. 47 of 1980).   | 29-11-80       | 29-11-80                                      |   |
| 2.      | The Dock Workers (Regulation of Employment) Amendment Act, 1980 (49 of 1980).   | 29-11-80       | 1-12-80                                       |   |
| 3.      | The Hindustan Tractors Limited (Acquisition of Transfer of Undertakings) Amendment Act, 1980 (Act No. 50 of 1980).              | 3-12-80        | 4-12-80                                       |   |
| 4.      | The Mica Mines Labour Welfare Fund (Amendment) Act, 1980 (Act No. 51 of 1980).  | 3-12-80        | 4-12-80                                       |   |
| 5.      | The Sree Chaitra Tirthan Institute for Medical Sciences and Technology Trivandrum Act, 1980 (Act No. 52 of 1980).               | 3-12-80        | 4-12-80                                       |   |
| 6.      | The Bengal Chemical and Pharmaceutical Works Limited (Acquisition and Transfer of Undertakings) Act, 1980 (Act No. 58 of 1980). | 12-12-80       | 12-12-80                                      |   |
| 7.      | The Code of Criminal Procedure (Amendment) Act, 1980 (Act No. 63 of 1980).  | 26-12-80       | 27-12-80                                      |   |
| 8.      | The Maruti Limited (Acquisition and Transfer of Undertakings) Act, 1980 (Act No. 64 of 1980).                                   | 27-12-80       | 27-12-80                                      |   |
| 9.      | The National Security Act, 1980 (Act No. 65 of 1980).   | 27-12-80       | 27-12-80                                      |   |
| 10.     | The Payment of Bonus (Second Amendment) Act, 1980 (Act No. 66 of 1980).   | 27-12-80       | 27-12-80                                      |   |
| 11.     | The Forest (Conservation) Act, 1980 (Act No. 69 of 1980).   | 27-12-80       | 27-12-80                                      |   |
| 12.     | The Hind Cycles Limited and Sen-Raleign Limited (Nationalisation) Act, 1980 (Act No. 70 of 1980).                               | 27-12-80       | 27-12-80                                      |   |
| 13.     | The Appropriation (No. 4) Act, 1980 (Act No. 71 of 1980).   | 29-12-80       | 31-12-80                                      |   |

G. S. CHAUHAN,  
Under Secretary (L.W.)

Assented to on 20-11-1980.

## THE ADVOCATES (AMENDMENT) ACT, 1980

(Act No. 47 of 1980)

AN

ACT

further to amend the Advocates Act, 1961.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Advocates (Amendment) Act, 1980.2. *Amendment of section 17.*—In section 17 of the Advocates Act, 1961 (25 of 1961) (hereinafter referred to as the principal Act), after clause (d) of sub-section (3), the following clause shall be inserted, namely:—

“(e) notwithstanding anything contained in clause (a), the seniority of an attorney enrolled [whether before or after the commencement of the Advocates (Amendment) Act, 1980] as an advocate shall be determined in accordance with the date of his enrolment as an attorney.”.

3. *Amendment of section 23.*—In section 23 of the principal Act,—

(i) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Subject to the provisions of sub-sections (1), (2) and (3), the second Additional Solicitor-General of India shall have pre- audience over all other advocates.”;

(ii) in sub-section (4), for the brackets, figures and word “(2) and (3)”, the brackets, figures, word and letter “(2), (3) and (3A)” shall be substituted.

Assented to on 29-11-1980.

## THE DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT ACT, 1980

(Act No. 49 of 1980)

AN

ACT

further to amend the Dock Workers (Regulation of Employment) Act, 1948.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Dock Workers (Regulation of Employment) Amendment Act, 1980.2. *Amendment of section 3.*—In section 3 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) (hereinafter referred to as the principal Act), after clause (t) of sub-section (2), the following clause shall be inserted and shall be deemed always to have been inserted, namely:—

“(ff) for creating such fund or funds as may be necessary or expedient for the purposes of the scheme and for the administration of such fund or funds;”.

3. *Validation.*—Every fund created or purporting to have been created and every provision with respect thereto made or purporting to have been made under the principal Act before the commencement of this Act shall, for all purposes, be deemed to be, and to have always been, as validly and effectively created or made as if the provisions of section 3 of the principal Act, as amended by this Act, had been in force at all material times and accordingly, notwithstanding any judgment, decree or

order of any court.—

- (a) all contributions to any such fund received or collected before the commencement of this Act shall be deemed to be and shall be deemed always to have been as validly received or collected as if the provisions of section 3 of the principal Act, as amended by this Act, were in force at all material times;
- (b) no suit or other proceeding shall be maintained or continued in any court for the refund of, and no enforcement shall be made by any court of any decree or order directing the refund of, any such contribution which had been received or collected and which would have been validly received or collected if the provisions of section 3 of the principal Act, as amended by this Act, had been in force at all material times;
- (c) recoveries shall be made of all contributions to any such funds which have not been received or collected but which would have been received or collected if the provisions of section 3 of the principal Act, as amended by this Act, had been in force at all material times.

*Explanation.*—For the removal of doubts it is hereby declared that no act or omission on the part of any person, before the commencement of this Act, shall be punishable as an offence which would not have been so punishable if this Act had not come into force.

4. *Amendment of section 8.*—Sub-section (3) of section 8 of the principal Act shall be omitted.

5. *Insertion of new section 8A.*—After section 8 of the principal Act, the following section shall be inserted, namely :

**“8A. Schemes and rules to be laid before Parliament.**—Every scheme and every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or rule or both Houses agree that the scheme or rule should not be made, the scheme or rule shall thereafter have effect only in such modified form or be no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme or rule.”

Assented to on 3-12-1980.

**THE HINDUSTAN TRACTORS LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS AMENDMENT ACT, 1980**

(ACT NO. 50 OF 1980)

AN

ACT

*to amend the Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Act, 1978.*

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Amendment Act, 1980.

2. *Amendment of section 5.*—In section 5 of the Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Act, 1978 (13 of 1978) (hereinafter referred to as the principal Act), in sub-section (2), in clause (b), the following shall be, and shall be deemed always to have been, inserted at the end, namely :—

“but excluding loans advanced, on or after such date, by a bank to the Company to the extent such loans

have been utilised by the Company for the payment of, or the payment of interest on, secured loans advanced to the Company by a bank at any time before such date.”

3. *Amendment of the Schedule.*—In the Schedule to the principal Act, in Category III, after the words “Secured loans”, the following shall be, and shall be deemed always to have been, inserted, namely :—

“including loans advanced, on or after the date of taking over, by a bank to the Company to the extent such loans have been utilised by the Company for the re-payment of, or the payment of interest on, secured loans advanced to the Company by a bank at any time before the date of taking over.”

Assented to on 3-12-1980.

**THE MICA MINES LABOUR WELFARE FUND (AMENDMENT) ACT, 1980**

(ACT NO. 51 OF 1980)

AN

ACT

*further to amend the Mica Mines Labour Welfare Fund Act, 1946.*

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Mica Mines Labour Welfare Fund (Amendment) Act, 1980.

2. *Amendment of section 6.*—In section 6 of the Mica Mines Labour Welfare Fund Act, 1946 (22 of 1946), after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

Assented to on 3-12-1980.

**THE SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, TRIVANDRUM, ACT, 1980**

(ACT NO. 52 OF 1980)

AN

ACT

*to declare the Sree Chitra Tirunal Medical Centre Society for Advanced Studies in Specialities, Trivandrum, in the State of Kerala, to be an institution of national importance and to provide for its incorporation and matters connected therewith.*

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980.

(2) It shall come into force on such date as the Central

Government may, by notification in the Official Gazette, appoint.

**2. Declaration of the Sree Chitra Tirunal Medical Centre Society for Advanced Studies in Specialities, Trivandrum, as an institution of national importance.**—Whereas the objects of the Sree Chitra Tirunal Medical Centre Society for Advanced Studies in Specialities, Trivandrum, in the State of Kerala, are such as to make the institution one of national importance, it is hereby declared that the institution, known as the Sree Chitra Tirunal Medical Centre Society for Advanced Studies in Specialities, Trivandrum, is an institution of national importance.

**3. Definitions.**—In this Act, unless the context otherwise requires,—

- (a) "Chairman" means the Chairman of the Governing Body;
- (b) "Director" means the Director of the Institute;
- (c) "Fund" means the Fund of the Institute referred to in section 16;
- (d) "Governing Body" means the Governing Body of the Institute;
- (e) "Institute" means the institution known as the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, incorporated under this Act;
- (f) "member" means a member of the Institute;
- (g) "President" means the President of the Institute;
- (h) "regulation" means a regulation made by the Institute;
- (i) "rule" means a rule made by the Central Government.

**4. Incorporation of Institute.**—The Sree Chitra Tirunal Medical Centre Society for Advanced Studies in Specialities, Trivandrum, is hereby constituted a body corporate by the name of Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum, and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

**5. Composition of Institute.**—The Institute shall consist of the following members, namely:—

- (a) the Vice-Chancellor of the Kerala University, *ex officio*;
- (b) the Director-General of Health Services, Government of India, *ex officio*;
- (c) the Director, *ex officio*;
- (d) four members to be nominated by the Central Government to represent respectively the Departments or, as the case may be, Ministries of that Government dealing with Science and Technology, Health, Finance and Education;
- (e) two members to be nominated by the Government of the State of Kerala to represent respectively the Departments or, as the case may be, Ministries of that Government dealing with Planning, Science and Technology and Health;
- (f) three scientists of whom two shall be medical scientists and one shall be a social scientist, to be nominated by the Central Government in the manner prescribed by rules;
- (g) three scientists representing engineering and technology to be nominated by the Central Government in the manner prescribed by rules;
- (h) the Head of the Biomedical Technology Wing of the Institute, *ex officio*;
- (i) three representatives of the medical faculties of Indian Universities to be nominated by the Central Government in the manner prescribed by rules; and
- (j) three members of Parliament of whom two shall be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States.

**6. Term of office of and vacancies among members.**—

- (1) Save as otherwise provided in this section, the term of office of a member shall be five years from the date

of his nomination or election.

(2) The term of office of a member elected under clause (j) of section 5 shall come to an end as soon as he ceases to be a member of the House from which he was elected.

(3) The term of office of an *ex-officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated or elected.

(5) An outgoing member other than a member elected under clause (j) of section 5 shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place.

(6) An outgoing member shall be eligible for re-nomination or re-election.

(7) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

(8) The manner of filling vacancies among members shall be such as may be prescribed by rules.

**7. President of Institute.**—(1) There shall be a President of the Institute who shall be nominated by the Central Government from among the members other than the Director.

(2) The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed by rules or regulations.

**8. Allowances of President and members.**—The President and other members shall receive such allowances, if any, from the Institute as may be prescribed by rules.

**9. Meetings of Institute.**—The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by the Government; and thereafter the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

**10. Governing Body and other committees of Institute.**—(1) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be prescribed by regulations:

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(2) The Governing Body shall be the Executive Committee of the Institute and shall exercise such powers and discharge such functions as the Institute may, by regulations made in this behalf, confer or impose upon it.

(3) The President shall be the Chairman of the Governing Body and as Chairman thereof shall exercise such powers and discharge such functions as may be prescribed by regulations.

(4) The procedure to be followed in the exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among, the members of the Governing Body shall be such as may be prescribed by regulations.

(5) Subject to such control and restrictions as may be prescribed by rules, the Institute may constitute as many standing committees and as many *ad hoc* committees as it thinks fit for exercising any power or discharging any

function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(6) The Chairman and members of the Governing Body and Chairman and members of a standing committee or an *ad hoc* committee shall receive such allowances, if any, as may be prescribed by regulations.

11. *Staff of Institute.*—(1) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be made in this behalf, be appointed by the Institute:

Provided that the first Director of the Institute shall be appointed by the Central Government.

(2) The Director shall act as the Secretary to the Institute as well as the Governing Body.

(3) The Director shall exercise such powers and discharge such functions as may be prescribed by regulations or as may be delegated to him by the Institute or the President or by the Governing Body or the Chairman.

(4) Subject to such rules as may be made in this behalf, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and may determine the designations and grades of such other officers and employees.

(5) Subject to such rules as may be made in this behalf, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, gratuity, provident fund and other matters as may be prescribed by regulations made in this behalf.

12. *Objects of Institute.*—The objects of the Institute shall be—

- (a) to promote biomedical engineering and technology;
- (b) to provide and demonstrate high standards of patient care in advanced medical specialities; and
- (c) to develop post-graduate training programmes of the highest quality in advanced medical specialities and biomedical engineering and technology.

13. *Functions of Institute.*—With a view to the promotion of the objects specified in section 12, the Institute may—

- (a) provide for post-graduate teaching in the science of modern medicine and other allied sciences, including physical and biological sciences;
- (b) provide facilities for research in the various branches of such sciences;
- (c) conduct experiments in integrated methods of post-graduate medical and technological education in order to arrive at satisfactory standards of such education;
- (d) prescribe courses and curricula for post-graduate studies;
- (e) provide for post-graduate teaching and training in biomedical sciences and technology;
- (f) notwithstanding anything contained in any other law for the time being in force, establish and maintain—
  - (i) one or more well equipped hospitals, and
  - (ii) one or more centres for research and development in biomedical technology;
- (g) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in post-graduate medical education and biomedical technology as may be laid down in the regulations;
- (h) institute and appoint persons to professorships, readerships, lectureships and posts of any description in accordance with the regulations;
- (i) receive grants from the Governments and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transfers, as the case may be;

(j) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(k) demand and receive such fees and other charges as may be prescribed by regulations; and

(l) do all other acts and things as may be necessary to further the objects specified in section 12.

14. *Vesting of property.*—All properties which had vested in the Sree Chitra Tirunal Medical Centre Society for Advanced Studies in Specialities, Trivandrum, immediately before the commencement of this Act, shall, on and from such commencement, vest in the Institute.

15. *Payment to Institute.*—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary by that Government for the exercise of its powers and discharge of its functions under this Act.

16. *Fund of Institute.*—(1) The Institute shall maintain a Fund to which shall be credited—

- (a) all moneys provided by the Central Government and the Government of Kerala;
- (b) all fees and other charges received by the Institute;
- (c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and
- (d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 13.

17. *Budget of Institute.*—The Institute shall prepare, in such form and at such time every year, as may be prescribed by rules, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

18. *Accounts and audit.*—(1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may, by rules, prescribe and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the productions of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute as well as of the institutions established and maintained by it.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central

Government and that Government shall cause the same to be laid before both Houses of Parliament.

**19. Annual report.**—The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules and a copy of the report shall be laid, as soon as may be after its is received, before both Houses of Parliament.

**20. Pension and provident funds.**—(1) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be prescribed by regulations, such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925), shall apply to such fund as it were a Government Provident Fund.

**21. Authentication of orders and instruments of Institute.**—All orders and decisions of the Institute shall be authenticated by the signature of the President or any other member authorised by the Institute in this behalf, and all other instruments shall be authenticated by the signature of the Director or any other officer of the Institute authorised in like manner in this behalf.

**22. Acts and proceedings not to be invalidated by vacancies, etc.**—No act done or proceeding taken by the Institute, Governing Body or any standing or *ad hoc* Committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, Governing Body or such standing or *ad hoc* Committee.

**23. Grant of medical degrees, diplomas, etc., by Institute.**—Notwithstanding anything contained in any other law for the time being in force, the Institute shall have power to grant medical degrees, diplomas and other academic distinctions and titles under this Act.

**24. Recognition of medical qualifications granted by Institute.**—Notwithstanding anything contained in the Indian Medical Council Act, 1956 (102 of 1956), the medical degrees and diplomas granted by the Institute under this Act shall be recognised medical qualifications for the purposes of that Act and shall be deemed to be included in the First Schedule to that Act.

**25. Control by Central Government.**—The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

**26. Disputes between Institute and Central Government.**—If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and the Central Government, the decision of the Central Government on such dispute shall be final.

**27. Returns and information.**—The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

**28. Transfer of service of existing employees.**—Subject to the provisions of this Act, every person who was employed in the Sri Chitra Tirunal Medical Centre Society for Advanced Studies in Specialities, Trivandrum, immediately before the commencement of this Act shall, on and from such commencement, become an employee of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to leave, pension, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

**29. Continuance of facilities at Institute.**—The Institute shall continue to provide facilities to the Government and people of the State of Kerala and the Central Government and such facilities shall not, in any respect, be less favourable to the said Governments and people than what were being provided to them before the commencement of this Act and shall be made available for such period and upon such terms and conditions (including those relating to any contributions to be made for the provision of such facilities) as may be agreed upon between the Institute the Government of the State of Kerala and the Central Government.

**30. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, within a period of three years from the commencement of this Act, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

**31. Power to make rules.**—(1) The Central Government, after consultation with the Institute, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that consultation with the Institute shall not be necessary on the first occasion of the making of rules under this section, but the Central Government shall take into consideration any suggestions which the Institute may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of nomination of members under clauses (f), (g) and (i) of section 5;
- (b) the manner of filling vacancies among members under section 6;
- (c) the powers and functions to be exercised and discharged by the President under sub-section (2) of section 7;
- (d) the allowances, if any, to be paid to the President and other members under section 8;
- (e) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (5) of section 10;
- (f) the appointment of the Director under sub-section (1) of section 11;
- (g) the number of officers and employees that may be appointed by the Institute and the manner of such appointment under sub-section (4) of section 11;
- (h) the salaries and allowances to be paid to the Director and other officers and employees of the Institute under sub-section (5) of section 11;
- (i) the form in which, and the time at which, the budget shall be prepared by the Institute and the number of copies thereof to be forwarded to the Central Government under section 17;
- (j) the form in which an annual statement of accounts including the balance-sheet shall be prepared by the Institute under sub-section (1) of section 18;
- (k) the form in which and the date before which, the report of the activities of the Institute shall be submitted to the Central Government under section 19;
- (l) the form and manner in which reports, returns and other information are to be furnished by the Institute to the Central Government under section 27;
- (m) any other matter which has to be or may be prescribed by rules.

**32. Power to make regulations.**—(1) The Institute may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

- (a) the powers and functions to be exercised and discharged by the President under sub-section (2) of section 7;
- (b) the summoning and holding of meetings, other than the first meeting, of the Institute under section 9, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum;
- (c) the manner of constituting the Governing Body and standing and *ad hoc* committees under section 10, the term of office of, and the manner of filling vacancies among, the members of the Governing Body and standing and *ad hoc* committees;
- (d) the powers and functions to be exercised and discharged by the Governing Body and the Chairman under sub-sections (2) and (3) of section 10;
- (e) the allowances, if any, to be paid to the Chairman and the members of the Governing Body and of standing and *ad hoc* committees under sub-section (6) of section 10;
- (f) the procedure to be followed by the Governing Body and standing and *ad hoc* committees in the conduct of their business, exercise of their powers and discharge of their functions under section 10;
- (g) the powers and functions to be exercised and discharged by the Director under sub-section (3) of section 11;
- (h) the tenure of office, salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute including teachers appointed by the Institute under sub-section (5) of section 11;
- (i) the management of the properties of the Institute under section 13;
- (j) the degrees, diplomas and other academic distinctions and titles which may be granted by the Institute under clause (g) of section 13;
- (k) the professorships, readerships, lecturerships and other posts which may be instituted and persons who may be appointed to such professorships, readerships, lecturerships and other posts under clause (h) of section 13;
- (l) the fees and other charges which may be demanded and received by the Institute under clause (k) of section 13;
- (m) the manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute under sub-section (1) of section 20;
- (n) matters relating to tenure of office, remuneration and terms and conditions of service of the persons referred to in section 28;
- (o) any other matter for which under this Act provisions may be made by regulations.

(2) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its power under sub-section (1).

**33. Rules and regulations to be laid before Parliament.**—Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall

thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Assented to on 12-12-1980.

THE BENGAL CHEMICAL AND PHARMACEUTICAL WORKS LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1980

(ACT NO. 58 OF 1980)

AN

ACT

*to provide for the acquisition and transfer, in the public interest, of the undertakings of the Bengal Chemical and Pharmaceutical Works Limited, and for matters connected therewith or incidental thereto.*

WHEREAS the Bengal Chemical and Pharmaceutical Works Limited were engaged in the production and distribution of articles specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951), namely, chemicals (other than fertilizers), drugs, pharmaceuticals and other products, which are essential to the needs of the general public;

AND WHEREAS the Central Government, being of opinion, after an investigation into the affairs of the Company, that the affairs of the Company have been managed in a manner highly detrimental to the public interest, had authorised, under section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), a body of persons to take over the management of the Company;

AND WHEREAS for the purpose of reconstructing and rehabilitating the undertakings owned by the Company so as to subserve the interests of the general public by the augmentation of production and distribution of different varieties of chemicals (other than fertilizers), drugs, pharmaceuticals and other products which are essential to the needs of the general public and to secure the continued supply thereof, it is necessary to acquire the undertakings of the Company;

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

CHAPTER I  
PRELIMINARY

**1. Short title and commencement.**—(1) This Act may be called the Bengal Chemical and Pharmaceutical Works Limited (Acquisition and Transfer of Undertakings) Act, 1980.

(2) It shall come into force on such date as the Central Government may, by notification, appoint.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

- (a) “appointed day” means the date on which this Act comes into force;
- (b) “Commissioner” means the Commissioner of Payments appointed under section 16;
- (c) “Company” means the Bengal Chemical and Pharmaceutical Works Limited, being a company as defined in the Companies Act, 1956 (1 of 1956), and having its registered office at 6, Ganesh Chunder Avenue, Calcutta-700013;
- (d) “existing Government company” means a Government company which is carrying on business on the appointed day;
- (e) “new Government company” means a Government company formed and registered on or after the appointed day;
- (f) “notification” means notification published in the Official Gazette;
- (g) “prescribed” means prescribed by rules made under this Act;

(h) "specified date" means such date as the Central Government may, for the purpose of any of the provisions of this Act, by notification, specify, and different dates may be specified for different provisions of this Act;

(i) words and expressions used herein and not defined, but defined in the Companies Act, 1956 (1 of 1956), have the meanings, respectively, assigned to them in that Act.

## CHAPTER II

### ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY

3. *Transfer to, and vesting in, Central Government of the undertakings of the Company.*—On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

4. *General effect of vesting.*—(1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, offices, factories, workshops, stores, instruments, plants, machinery and equipment, installations, laboratories, office furniture, stationery and equipment, vehicles, patents, trade marks, cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All properties and assets as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them, and any attachment, injunction, decree or order of any court or other authority restricting the use of such properties or assets in any manner or appointing any receiver in respect of the whole or any part of such properties or assets shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested, under this Act, in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, whole or in part, out of the amount specified in section 8, and also out of the amounts determined under section 9, but, no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to the Company in relation to any undertaking which has vested in the Central Government under section 3 at any time before the appointed day and in force immediately before the appointed day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of such undertaking, and, on and from the date of vesting of such undertaking, under section 6, in an existing Government company, or under section 7, in a new Government company, the existing, or new, Government company, as the case may be, shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to such existing, or new, Government company and such existing, or new, Government company shall hold it for the remainder of the period

for which the Company would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding, of whatever nature, in relation to any property or asset which has vested in the Central Government under section 3, instituted or preferred by or against the Company is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or where the undertakings of the Company are directed under section 6 to vest in an existing Government company, or become transferred by virtue of the provisions of section 7 to a new Government company, by or against such Government company.

5. *Central Government of existing, or new, Government company, not to be liable for certain prior liabilities.*—

(1) Every liability of the Company in respect of any period prior to the 1st day of April, 1979, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in an existing Government company, or become transferred by virtue of the provisions of section 7, to a new Government company, against such Government company.

(2) Any liability incurred by, or arising against, the Company on or after the 1st day of April, 1979, including the liability to repay loans advanced to the Company by the Central Government on or after that day, together with the interest due thereon, shall be the liability,—

(a) where the undertakings of the Company are directed, under section 6, to vest in an existing Government company, of that existing company; or

(b) where the undertakings of the Company become transferred by virtue of the provisions of section 7, to a new Government company, of that new Government company,

and shall be discharged by such Government company as and when the discharge of such liability becomes due.

(3) For the removal of doubts, it is hereby declared that,—

(a) save as otherwise expressly provided in this Act, no liability of the Company in relation to its undertakings in respect of any period prior to the 1st day of April, 1979, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in an existing Government company, or become transferred by virtue of the provisions of section 7, to a new Government company, against such Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed on or after the appointed day, in respect of any matter, claim or dispute, which arose before the 1st day of April, 1979, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in an existing Government company, or become transferred, by virtue of the provisions of section 7, to a new Government company, against such Government company;

(c) no liability incurred by the Company before the 1st day of April, 1979, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed, under section 6, to vest in an existing Government company, or become transferred, by virtue of the provisions of section 7, to a new Government company, against such Government company.

**6. Power of Central Government to direct vesting of the undertakings of the Company in an existing Government company.**—(1) Notwithstanding anything contained in sections 3 and 4, and subject to the provisions of section 7, the Central Government may, if it is satisfied that an existing Government company is willing to company, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in that existing Government company either on the date of publication of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertakings vest, under sub-section (1), in an existing Government company, that Government company shall, on and from the date of such vesting be deemed to have become, and until the transfer of the undertakings by virtue of the provisions of section 7 to a new Government company, be deemed to be, the owner in relation to such undertakings and the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become, and until the date of such transfer be deemed to be, the rights and liabilities, respectively, of that existing Government company.

**7. Transfer of the undertakings of the Company from an existing Government company to a new Government company.**—(1) Notwithstanding anything contained in sections 3 and 4, where the undertakings of the Company have been directed, under sub-section (1) of section 6, to vest in an existing Government company, the Central Government may, if it is satisfied that a new Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, declare, by notification, that the undertakings of the Company be transferred to that new Government company, and on the issue of such declaration, the right, title and interest of the Company in relation to its undertakings which had been directed under sub-section (1) of section 6 to vest in an existing Government company, shall, instead of continuing to vest in that existing Government company, vest in that new Government company with effect from the date on which such declaration is made.

(2) Where the right, title and interest of the existing Government company in relation to the undertakings of the Company vest under sub-section (1) in a new Government company, that new Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings and all the rights and liabilities of the existing Government company in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of that new Government company.

### CHAPTER III PAYMENT OF AMOUNTS

**8. Payment of amount.**—For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be given by the Central Government to the Company, in cash, and in the manner specified in Chapter VI, an amount of rupees five hundred and two lakhs and four thousand.

**9. Payment of further amount.**—(1) For the deprivation of the Company of the management of its undertakings, there shall be given to the company by the Central Government an amount calculated at the rate of two thousand rupees per month for the period commencing on the date on which the management of the undertakings of the Company was taken over by the persons authorised by the Central Government under section 18A

of the Industries (Development and Regulation) Act, 1951 (65 of 1951), and ending on the appointed day.

(2) The amount specified in section 8, and the amount determined under sub-section (1), shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amounts is made by the Central Government to the Commissioner.

(3) The amounts determined in accordance with the provisions of sub-sections (1) and (2) shall be given by the Central Government to the Company in addition to the amount specified in section 8.

(4) For the removal of doubts, it is hereby declared that the liabilities of the Company in relation to its undertakings which have vested in the Central Government under section 3 shall be discharged from the amount referred to in section 8, and also from the amounts determined under sub-sections (1) and (2), in accordance with the rights and interests of the creditors of the Company.

### CHAPTER IV MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

**10. Management, etc., of the undertakings of the Company.**—(1) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

- (a) where a direction has been given by the Central Government under sub-section (1) of section 6, vest, on and from the date specified in such direction, in the existing Government company specified therein; or
- (b) where a declaration has been made under sub-section (1) of section 7, vest, on and from the date of such declaration, in the new Government company specified therein; or
- (c) where no direction referred to in clause (a) or declaration under clause (b) has been given or made, vest, on and from the appointed day, in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the existing, or new, Government company so specified or the Custodian or Custodians so appointed, as the case may be, shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian or Custodians of the undertakings of the Company in relation to which no direction has been made by it under sub-section (1) of section 6 or no declaration has been made by it under sub-section (1) of section 7.

(3) The Custodian or Custodians so appointed shall receive from the funds of the undertakings of the Company such remuneration as the Central Government may fix and hold office during the pleasure of the Central Government.

**11. Duty of persons in charge of management of undertakings of the company to deliver all assets, etc.**—(1) On the vesting of the management of the undertakings of the Company in an existing, or a new, Government company or on the appointment of a Custodian or Custodians, all persons in charge of the management of the undertakings of the Company immediately before such vesting or appointment shall be bound to deliver to such Government company, or Custodian or Custodians, as the case may be, all assets, books of account, registers and other documents in their custody relating to the undertakings of such Company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the

case to the existing, or new, Government company or the Custodian or Custodians as to the powers and duties of such Government company, or Custodian or Custodians and such Government company, or Custodian or Custodians may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted or in relation to any other matter arising in the course of such management.

(3) Any person, who on the appointed day has in his possession or under his control any books, documents or other papers relating to the undertakings of the Company which have vested in the Central Government or in any existing, or new, Government company and which belong to the Company, or would have so belonged if the undertakings of the Company had not vested in the Central Government or the existing, or new, Government company, shall be liable to account for the said books, documents or other papers to the Central Government or the existing, or new, Government company, as the case may be, and shall deliver them up to the Central Government or the existing, or new, Government company or to such person or body of persons as the Central Government or such Government company may specify in this behalf.

(4) The Central Government or the existing, or new, Government company may take, or cause to be taken, all necessary steps for securing possession of all undertakings which have vested in the Central Government or the existing, or new, Government company under this Act.

(5) The Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the appointed day, pertaining to the undertakings which have vested in the Central Government under section 3, and, for this purpose, the Central Government or the existing, or new, Government company shall afford to the Company all reasonable facilities.

**12. Accounts to be rendered by the Company or any other person.**—(1) Where, in pursuance of any decree, order or injunction of any court or otherwise—

- (a) the authorised persons were, after the date on which the management of the undertakings of the Company was taken over by them under section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951) and before the appointed day; or
- (b) the Central Government or the existing, or new, Government company, as the case may be, is, on or after the appointed day,

prevented from taking over the management of any part of the undertakings of the Company, the Company, or any other person in possession, custody or control of such part, shall, in relation to the period commencing on the date of such taking over and ending on the date on which such part was or is handed over to the authorised persons or, as the case may be, the Central Government or the existing, or new, Government company, render, within a period of sixty days from the appointed day or where such part was so handed over after the appointed day, within a period of sixty days from the date of such handing over, accounts with regard to the—

- (i) assets and stores of the undertakings or any part thereof, acquired, utilised or sold during the said period; and
- (ii) income derived by the Company or any other person from the undertakings or any part thereof during the said period,

to the Central Government or the existing, or new, Government company, as the case may be.

(2) If, on examination of the accounts referred to in sub-section (1), any income or other monies is or are found to have been derived by the Company or any other person from such undertakings or any part thereof

during the period referred to in that sub-section, or any other monies are found to be payable to the Company, such income or other monies shall be recoverable by the Central Government or the existing, or new, Government company from the Company or such other person, as the case may be, and from the amount payable under this Act to the Company and the debt due to the Central Government or the existing, or new, Government company, as the case may be, on this account shall rank as an unsecured debt.

(3) If no account is rendered by the Company or such other person in respect of the undertakings or any part thereof within the period referred to in sub-section (1) or if the Central Government or the existing, or new, Government company, as the case may be, has any reason to believe that the account rendered by the Company or such other person is incorrect or false in any material particular, the Central Government or the existing, or new, Government company, as the case may be, may refer the matter to the Commissioner and thereupon the Commissioner shall determine the income derived by the Company or such other person from such undertakings or any part thereof during the period referred to in sub-section (1) and take steps to recover the said income or other monies from the Company or such other person and from the amount payable to the Company under this Act, as if the debt due to the Central Government or the existing, or new, Government company, as the case may be, on this account were an unsecured debt.

(4) No mortgage, charge, lien or other incumbrance in relation to the undertakings of the Company or any part thereof shall be binding on the Central Government or the existing, or new, Government company, as the case may be, if such mortgage, charge, lien or other incumbrance was created, at any time during the period in which the authorised persons were and the Central Government or the existing, or new, Government company, as the case may be, is, prevented, by any decree, order or injunction of any court or otherwise, from taking over the management of such undertakings or any part thereof.

**13. Accounts and audit.**—The Custodian or Custodians of the undertakings of the Company shall maintain an account of the undertakings of the Company in such form and manner and under conditions as may be prescribed and the provisions of the Companies Act, 1956 (1 of 1956), shall apply to the audit of the account so maintained as they apply to the audit of the accounts of a company.

## CHAPTER V

### PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

**14. Employment of certain employees to continue.**—

(1) Every person who has been, immediately before the appointed day, employed in any of the undertakings of the Company shall become,—

- (a) on and from the appointed day, an employee of the Central Government; and
- (b) where the undertakings of the Company are directed, under sub-section (1) of section 6, to vest in an existing Government company, or are transferred by virtue of the provisions of section 7, to a new Government company, an employee of such Government company on and from the date of such vesting or transfer,

and shall hold office or service under the Central Government or the existing, or new, Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting or transfer and shall continue to do so unless and his employment under the Central Government or the existing, or new, Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central

Government or the existing, or new, Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other person employed in the undertakings of the Company to the Central Government or the existing, or new, Government company, as the case may be, shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

**15. Provident fund and other funds.**—(1) Where the Company has established a provident fund, superannuation fund, welfare fund or other fund for the benefit of the persons employed in the undertakings of the Company, the monies relatable to the employees, whose services have become transferred by or under this Act to the Central Government or the existing, or new, Government company, as the case may be, shall, out of the monies standing, on the appointed day, to the credit of such provident, superannuation, welfare or other fund, stand transferred to, and shall vest in, the Central Government or the existing, or new, Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the existing, or new, Government company, as the case may be, shall be dealt with by that Government or the existing, or new, Government company in such manner as may be prescribed.

## CHAPTER VI

### COMMISSIONER OF PAYMENTS

**16. Appointment of Commissioner of Payments.**—(1) The Central Government shall, for the purpose of disbursing the amounts payable under sections 8 and 9, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

**17. Payment by Central Government to the Commissioner.**—(1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company—

- (a) an amount equal to the amount specified in section 8; and
- (b) an amount equal to the amounts payable to the Company under section 9.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Interest accruing on the amounts standing to the credit of the deposit account referred to in sub-section (2) shall enure to the said account.

**18. Certain powers of Central Government or existing, or new, Government company.**—(1) The Central Govern-

ment or the existing, or new, Government company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company, in relation to its undertakings which have vested in the Central Government or the existing, or new, Government company, as the case may be, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the existing, or new, Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company, in relation to any period prior to the 1st day of April, 1979; and every such claim shall have priority in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the existing, or new, Government company, as the case may be.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the 1st day of April, 1979, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

**19. Claims to be made to the Commissioner.**—Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

**20. Priority of claims.**—The claims arising out of the matters specified in the Schedules shall have priorities in accordance with the following principles:—

- (a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;
- (b) the claims specified in each of the categories shall rank equally and be paid in full, but if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly;
- (c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

**21. Examination of claims.**—(1) On receipt of the claims made under section 19, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of priorities.

(2) If, on examination of the claims, the Commissioner is of the opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine any claim in respect of such lower category.

**22. Admission or rejection of claims.**—(1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a date on or before which every claimant shall file the proof of his claims, failing which he shall be excluded from the benefit of the disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in such issue of any daily newspaper in the English language and in such issue of daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting, the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he will hold his sittings and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, the appeal shall lie to the High Court at Calcutta and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

**23. Disbursement of money by Commissioner to claimants.**—After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and, on such payment, the liability of the Company in respect of such claim shall stand discharged.

**24. Disbursement of amounts to the Company and possession of certain machinery, equipment, etc.**—(1) If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities in accordance with the priorities specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(2) Where any machinery, equipment or other property has vested under this Act in the Central Government or the existing, or new, Government company, as the case may be, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or the existing, or new, Government company, as the case may be, to continue to possess such machinery, equipment and other property on the same terms and conditions under which they were possessed by the Company immediately before the appointed day.

**25. Undisbursed or unclaimed amount to be deposited to the general revenue account.**—Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up shall be transferred by the Commissioner to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the persons entitled to such payment

and shall be dealt with as if such transfer had not been made and the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

## CHAPTER VII

### MISCELLANEOUS

**26. Act to have overriding effect.**—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority.

**27. Contracts to cease to have effect unless ratified by the Central Government or existing, or new, Government company.**—Every contract entered into by the Company in relation to its undertakings for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from that day, cease to have effect unless such contract is, before the expiry of the said period, ratified in writing by the Central Government or, as the case may be, the existing, or new, Government company, and in ratifying such contract, the Central Government or, as the case may be, the existing, or new, Government company may make such alterations or modifications therein as it may think fit:

Provided that the Central Government or, as the case may be, the existing, or new, Government company shall not omit to ratify a contract and shall not make any alteration or modification therein—

- (a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or, as the case may be, such Government company; and
- (b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for its refusal to ratify the contract or for making any alteration or modification therein.

**28. Penalties.**—A person who,—

- (a) having in his possession, custody or control any property forming part of the undertakings of the Company, wrongfully withholds such property from the Central Government or the existing, or new, Government company, as the case may be, or any person or body of persons authorised by that Government or existing, or new, Government company; or
- (b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of the Company or wilfully withholds or fails to furnish to the Central Government, or, as the case may be, the existing, or new, Government company or any person or body of persons authorised by that Government or Government company, any document relating to such undertakings which may be in his possession, custody or control or fails to deliver to the Central Government or, as the case may be, the existing, or new, Government company or any person or body of persons authorised by that Government or existing, or new, Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to the undertakings of the Company; or
- (c) wrongfully removes or destroys any property forming part of the undertakings of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

**29. Offences by companies.**—(1) Where an offence under this Act has been committed by a company, every

person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

30. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Custodian of the undertakings of the Company or the existing, or new, Government company or any officer or other person authorised by that Government or existing, or new, Government company for anything which is in good faith done or intended to be done under this Act.

31. *Delegation of powers.*—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the power conferred by this section or section 32 or section 33, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

32. *Power to make rules.*—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act:

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;
- (b) the form and the manner in which, and the conditions under which, the Custodian or Custodians shall maintain accounts as required by section 13;
- (c) the manner in which monies in any provident fund or other fund referred to in section 15 shall be dealt with;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be

made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

33. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

## THE SCHEDULE

(See sections 20, 21, 22 and 24)

### ORDER OF PRIORITIES FOR THE DISCHARGE OF THE LIABILITIES OF THE COMPANY

#### Part A.—Post-take-over and pre-take-over periods

##### Category I—

Wages, salaries and other dues of the employees of the Company for the post-take-over period as well as arrears in relation to wages, salaries, provident fund and other dues of the employees for the pre-take-over period.

##### Part B.—Post-take-over period

##### Category II—

(a) Loans advanced by the Central Government and interest due thereon.

(b) Loans, advanced by banks and financial institutions, guaranteed by the Central Government and interest due thereon.

##### Category III—

(a) Credit availed of for purposes of trade or manufacturing operations.

(b) Any other dues.

##### Part C.—Pre-take-over period

##### Category IV—

(a) Revenue, taxes, cesses, rates or other dues to the Central Government or a State Government.

(b) Sales tax, rates and taxes, contributions to be made to the Employees' State Insurance Fund and additional dearness allowance payable to employees.

##### Category V—

Principal amount of the secured loans advanced by banks and financial institutions and interest due thereon up to and including December 15, 1977, that is to say, the date on which the notified order under section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), was published in the Official Gazette.

##### Category VI—

Revenue, taxes, cesses, rates or any other dues payable to a local authority or State Electricity Board.

##### Category VII—

Amounts due by way of interest on secured loans referred to in category V after December 15, 1977.

##### Category VIII—

(a) Any other credit availed of for purposes of trade or manufacturing operations.

(b) Any other dues.

Assented to on 26-12-1980

THE CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) ACT, 1980

(ACT NO. 63 OF 1980)

AN

ACT

further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 23rd day of September, 1980.

2. *Amendment of sections 108, 109 and 110.*—In sections 108, 109 and 110 of the Code of Criminal Procedure, 1973 (2 of 1974) (hereinafter referred to as the principal Act), for the words “a Judicial Magistrate of the first class”, the words “an Executive Magistrate” shall be substituted.

3. *Amendment of section 196.*—In section 196 of the principal Act,—

(a) in sub-section (1), in clause (a), for the words, figures and letters “section 153B, section 295A or section 505”, the words, figures, letter and brackets “section 295A or sub-section (1) of section 505” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(IA) No court shall take cognizance of—

(a) any offence punishable under section 153B or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code, (45 of 1860), or

(b) a criminal conspiracy to commit such offence, except with the previous sanction of the Central Government or of the State Government or of the District Magistrate.”;

(c) in sub-section (3), for the words, brackets and figure “under sub-section (1)”, the words, brackets, figures and letters “under sub-section (1) or sub-section (IA) and the District Magistrate may, before according sanction under sub-section (IA)” shall be substituted.

4. *Amendment of section 436.*—In section 436 of the principal Act, in sub-section (1), in the second proviso, after the word and figures “section 116”, the words, figures and letter “or section 446A” shall be inserted.

5. *Amendment of section 437.*—In section 437 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court than the High Court or Court of Session, he may be released on bail, but—

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven

years or more, or he had been previously convicted on two or more occasions of a non-bailable and cognizable offence:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is under the age of sixteen years or is a woman or is sick or infirm:

Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that she shall comply with such directions as may be given by the Court.”;

(b) in sub-section (2), for the words “the accused shall, pending such inquiry, be released on bail”, the words, figures and letter “the accused shall, subject to the provisions of section 446A and pending such inquiry, be released on bail” shall be substituted;

(c) in sub-section (4), for the word “reasons”, the words “reasons or special reasons” shall be substituted.

6. *Amendment of section 446.*—In section 446 of the principal Act, to sub-section (2) the following proviso shall be added, namely:—

“Provided that where such penalty is not paid and cannot be recovered in the manner aforesaid, the person so bound as surety shall be liable, by order of the Court ordering the recovery of the penalty, to imprisonment in civil jail for a term which may extend to six months.”.

7. *Insertion of new section 446A.*—After section 446 of the principal Act, the following section shall be inserted, namely:—

“446A. *Cancellation of bond and bail-bond.*—Without prejudice to the provisions of section 446, where a bond under this Code is for appearance of a person in a case and it is forfeited for breach of a condition—

(a) the bond executed by such person as well as the bond, if any, executed by one or more of his sureties in that case shall stand cancelled; and

(b) thereafter no such person shall be released only on his own bond in that case, if the Police Officer or the Court, as the case may be, for appearance before whom the bond was executed, is satisfied that there was no sufficient cause for the failure of the person bound by the bond to comply with its condition:

Provided that subject to any other provision of this Code he may be released in that case upon the execution of a fresh personal bond for such sum of money and bond by one or more of such sureties as the Police Officer or the Court, as the case may be, thinks sufficient.”.

8. *Substitution of new section for section 478.*—For section 478 of the principal Act, the following section shall be substituted, namely:—

“478. *Power to alter functions allocated to Executive Magistrates in certain cases.*—If the Legislative Assembly of a State by a resolution so permits, the State Government may, after consultation with the High Court, by notification, direct that references in sections 108, 109, 110, 145 and 147 to an Executive Magistrate shall be construed as references to a Judicial Magistrate of the first class.”.

9. *Consequential Amendment of Act 34 of 1978.*—Section 72 of the Delhi Police Act, 1978 shall be omitted.

10. *Saving of pending proceedings under sections 108, 109 and 110.*—All proceedings under sections 108, 109 and 110 of the principal Act, pending before any Judicial Magistrate of the first class immediately before the commencement of this Act shall, notwithstanding anything contained in this Act, be dealt with as if this Act had not been enacted.

11. *Repeal and saving.*—(1) The Code of Criminal Procedure (Amendment) Ordinance, 1980 (12 of 1980) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

Assented to on 27-12-1980

THE MARUTI LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1980

(ACT NO. 64 OF 1980)

AN  
ACT

*to provide for the acquisition and transfer of the undertakings of Maruti Limited with a view to securing the utilisation of the available infrastructure, to modernise the automobile industry, to effect a more economical utilisation of scarce fuel and to ensure higher production of motor vehicles which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.*

WHEREAS Maruti Limited had been engaged in the manufacture and production of articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951) namely, automobiles;

AND WHEREAS an order has been made for the winding up of the Company and proceedings for its liquidation are pending in the High Court of Punjab and Haryana;

AND WHEREAS the undertakings of the Company have not been functioning;

AND WHEREAS it is necessary to utilise the production facilities and equipment of the undertakings of the Company so as to increase the production of motor vehicles and generate employment in the interest of the general public;

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

CHAPTER I  
PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Maruti Limited (Acquisition and Transfer of Undertakings) Act, 1980.

(2) It shall be deemed to have come into force on the 13th day of October, 1980.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “appointed day” means the 13th day of October, 1980;
- (b) “Commissioner” means the Commissioner of Payments appointed under section 15;
- (c) “Company” means Maruti Limited, being a company within the meaning of the Companies Act, 1956 (1 of 1956), and having its registered office at Palam Gurgaon Road, Gurgaon (Haryana);
- (d) “notification” means a notification published in the Official Gazette;

- (e) “prescribed” means prescribed by rules made under this Act;
- (f) “specified date”, in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purposes of that provision, and different dates may be specified for different provisions of this Act;
- (g) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956), shall have the meanings, respectively, assigned to them in that Act.

CHAPTER II  
ACQUISITION AND TRANSFER OF THE UNDERTAKINGS  
OF THE COMPANY

3. *Transfer to, and vesting in, the Central Government of the undertakings of the Company.*—On the appointed day, the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

4. *General effect of vesting.*—(1) The undertakings of the Company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash in hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them, and any attachment, injunction, decree or order of any court restricting the use of such properties in any manner shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property, shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified in section 7, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to the Company in relation to any undertaking which has vested in the Central Government under section 3, at any time before the appointed day and in force immediately before that day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of, such undertaking and on and from the day of vesting of such undertaking under section 6 in a Government company, that company shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to that Government company and that Government company shall hold it for the remainder of the period for which that company would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Central Government, under section 3, instituted or preferred by or against the

Company is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in a Government company, by or against that Government company.

**5. Central Government or Government company not to be liable for prior liabilities.**—(1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in a Government company, against that Government company.

(2) For the removal of doubts, it is hereby declared that,—

- (a) save as otherwise expressly provided in this section or in any other provision of this Act, no liability of the Company in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in a Government company, against that Government company;
- (b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company, passed after the appointed day, in respect of any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in a Government company, against that Government company;
- (c) no liability incurred by the Company before the appointed day, for the contravention of a provision of any law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 6 to vest in a Government company, against that Government company.

**6. Power of Central Government to direct vesting of the undertakings of the Company in a Government company.**—(1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification, that the undertakings of the Company, and the right, title and interest of the Company in relation to its undertakings, which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in a Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company, in relation to its undertakings, vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Government company.

### CHAPTER III

#### PAYMENT OF AMOUNTS

**7. Payment of amount.**—For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings, there shall be paid by the Central Government to the Company, in cash, and in the manner specified in Chapter VI, an amount of rupees four hundred and thirty-four lakhs.

**8. Payment of further amount.**—(1) The amount specified in section 7 shall carry simple interest at the

rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

(2) The amount determined in accordance with the provisions of sub-section (1) shall be paid by the Central Government to the Company in addition to the amount specified in section 7.

(3) For the removal of doubts, it is hereby declared that the liabilities of the Company, in relation to its undertakings which have vested in the Central Government under section 3, shall be discharged from the amount referred to in section 7, and also from the amount determined under sub-section (1) in accordance with the rights and interests of the creditors of the Company.

### CHAPTER IV

#### MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE COMPANY

**9. Management, etc., of the undertakings of the Company.**—(1) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

- (a) where a direction has been made by the Central Government under sub-section (1) of section 6, vest in the Government company specified in such direction, or
- (b) where no such direction has been made by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian or Custodians so appointed, as the case may be, shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company was authorised to exercise and do in relation to its undertakings.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian or Custodians of the undertakings of the Company in relation to which no direction has been made by it under sub-section (1) of section 6.

**10. Duty to deliver possession of the undertakings of the Company and documents relating thereto.**—(1) Notwithstanding any judgement, decree or order of any court, tribunal or other authority or anything contained in any law for the time being in force, the Official Liquidator of the Company or any other person, in whose possession or custody or under whose control the undertakings of the Company or any part thereof may be, shall forthwith deliver possession of the undertakings of the Company or any part thereof to the Central Government, or where the undertakings of the Company are vested under section 6 in a Government company, to that Company.

(2) On the vesting of the management of the undertakings of the Company in a Government company or on the appointment of the Custodian or Custodians, the Official Liquidator of the Company or any other person who has, on the appointed day, in his possession or custody or under his control any books, documents or

other papers relating to the undertakings of the Company immediately before such vesting or appointment, shall be bound to deliver the said books, documents or other papers to the Government company or the Custodian or Custodians or to such person as the Central Government or the Government company, as the case may be, may specify in this behalf.

(3) The Central Government may take or cause to be taken all necessary steps for securing possession of the undertakings which have vested in it under section 3.

(4) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or the Custodian or Custodians, and such Government company, Custodian or Custodians may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted or in relation to any other matter arising in the course of such management.

(5) The Custodian or Custodians shall receive from the funds of the undertakings of the Company such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

**11. Duty to furnish particulars.**—(1) The Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government or to the Government company a complete inventory of all the properties and assets of the Company as on the appointed day pertaining to the undertakings which have vested in the Central Government or the Government company, as the case may be.

(2) So much of the obligation of the Company under sub-section (1) as relates to the properties and assets of the Company in the possession, custody or control of the Official Liquidator of the Company shall be discharged by him.

**12. Accounts and audit.**—The Custodian or Custodians of the undertakings of the Company shall maintain an account of the undertakings of the Company in such form and manner and subject to such conditions as may be prescribed and the provisions of the Companies Act, 1956 (I of 1956), shall apply to the audit of the accounts so maintained as they apply to the audit of the accounts of a company.

## CHAPTER V

### PROVISIONS RELATING TO THE EMPLOYEES OF THE COMPANY

**13. Employment of certain employees to continue.**—(1) Every person who has been, immediately before the appointed day, employed in any of the undertakings of the Company shall become,—

- (a) on and from the appointed day, an employee of the Central Government; and
- (b) where the undertakings of the Company are directed under sub-section (1) of section 6, to vest in a Government company, an employee of such Government company on and from the date of such vesting,

and shall hold office or service under the Central Government or the Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as

the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the Company to the Central Government or the Government company shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

(3) Where, under the terms of any contract of service or otherwise, any person, whose services become transferred to the Central Government or the Government company by reason of the provisions of this Act, is entitled to any arrears of salary or wages or any payments for any leave not availed of or any other payment, not being payment by way of gratuity or pension, such person may enforce his claim against the Company, but not against the Central Government or the Government company.

**14. Provident fund and other funds.**—(1) Where the Company has established a provident fund, superannuation fund, welfare fund or any other fund for the benefit of the persons employed in any of the undertakings of the Company, the monies relatable to the officers or other employees, whose services have become transferred, by or under this Act, to the Central Government or the Government company, shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to, and vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or that Government company in such manner as may be prescribed.

## CHAPTER VI

### COMMISSIONER OF PAYMENTS

**15. Appointment of Commissioner of Payments.**—(1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under section 7 and section 8, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

**16. Payment by the Central Government to the Commissioner.**—(1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the company—

- (a) an amount equal to the amount specified in section 7, and
- (b) an amount equal to the amount payable to the Company under section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the undertakings of the Company in relation to which payment has been made to him under this Act.

(4) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall accrue to the benefit of the Company.

**17. Certain powers of the Central Government or Government company.**—(1) The Central Government or the Government company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Company, in relation to its undertakings which have vested in the Central Government or the Government company, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company in relation to any period prior to the appointed day; and every such claim shall have priority in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

**18. Claims to be made to the Commissioner.**—Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

**19. Priority of claims.**—The claims arising out of the matters specified in the Schedule shall have priorities in accordance with the following principles, namely:—

- (a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;
- (b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and
- (c) the question of discharging any liability with regard to matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

**20. Examination of claims.**—(1) On receipt of the claims made under section 18, the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order of priorities.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

**21. Admission or rejection of claims.**—(1) After examining the claims with reference to the priorities set out in the Schedule, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A claimant, who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, the appeal shall lie to the High Court of Punjab and Haryana and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

**22. Disbursement of money by the Commissioner to claimants.**—After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and, on such payment, the liability of the Company in respect of any claim relating to undertakings of the Company shall stand discharged.

23. *Disbursement of amounts to the Company.*—(1) If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in the Schedule, the Commissioner shall disburse such balance to the Company.

(2) Where the possession of any machinery, equipment or other property, has vested in the Central Government or a Government company under this Act, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or the Government company to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by the Company immediately before the appointed day.

24. *Undisbursed or unclaimed amount to be deposited to the general revenue account.*—Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim, being treated as an order for the refund of revenue.

## CHAPTER VII

### MISCELLANEOUS

25. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

26. *Contracts to cease to have effect unless ratified by Central Government or Government company.*—Every contract entered into by the Company in relation to its undertakings, which has vested in the Central Government under section 3, for any service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or Government company, in which such undertakings have been vested under this Act, and in ratifying such contract, the Central Government or such Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or such Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or such Government company, and

(b) except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

27. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Government company or the Custodian or any officer or other person authorised by the Central Government or the Government company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or the Government company or the Custodian or any officer or other person authorised by the Central

Government or the Government company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

28. *Delegation of powers.*—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section, section 31 and section 32, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

29. *Penalties.*—Any person who,—

- (a) having in his possession, custody or control any property forming part of any undertakings of the Company, wrongfully withholds such property from the Central Government or the Government company; or
- (b) wrongfully obtains possession of, or retains, any property forming part of, the undertakings of the Company; or
- (c) wilfully withholds or fails to furnish to the Central Government or the Government company or to any person or body of persons specified by that Government or such Government company, as the case may be, any document or inventory relating to the undertakings of the Company, which may be in his possession, custody or control; or
- (d) fails to deliver to the Central Government or the Government company or to any person or body of persons specified by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertakings of the Company; or
- (e) wrongfully removes or destroys any property forming part of the undertakings of the Company; or
- (f) prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

30. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

- (a) “company” means anybody corporate and includes a firm or other association of individuals;
- (b) “director” in relation to a firm, means a partner in the firm.

**31. Power to make rules.**—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which, and the manner in which, an intimation shall be given to the Commissioner under sub-section (3) of section 4;
- (b) the form and the manner in which, and the conditions subject to which, the Custodian or Custodians shall maintain accounts under section 12;
- (c) the manner in which the monies in any provident fund or other fund under section 14 shall be dealt with;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**32. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

**33. Repeal and saving.**—(1) The Maruti Limited (Acquisition and Transfer of Undertakings) Ordinance, 1980 (13 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

## THE SCHEDULE

(See sections 19, 20, 21 and 23)

### ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE COMPANY

#### Category I—

- (a) Employees' dues on account of unpaid salaries, wages, provident fund, Employees' State Insurance contribution or premium relating to the Life Insurance Corporation of India or any other amounts due to the employees;
- (b) Revenues, taxes, cesses, rates or other dues to the Central Government, State Government and local authorities or the State Electricity Board.

#### Category II—

Amounts due to the Government of Haryana towards the cost of land.

#### Category III—

Secured loans with interest.

#### Category IV—

- (a) Deposits received from the public or from the

members of the Company;

(b) Deposits towards dealership;

(c) Any credit availed of for purposes of trade or manufacturing operations;

(d) Share application monies where shares were not allotted.

#### Category V—

Any other dues.

Assented to on 27-12-1980.

## THE NATIONAL SECURITY ACT, 1980

(ACT NO. 65 OF 1980)

AN

ACT

to provide for preventive detention in certain cases and for matters connected therewith.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

**1. Short title and extent.**—(1) This Act may be called the National Security Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

- (a) "appropriate Government" means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government;
- (b) "detention order" means an order made under section 3;
- (c) "foreigner" has the same meaning as in the Foreigners Act, 1946 (31 of 1946);
- (d) "person" includes a foreigner;
- (e) "State Government", in relation to a Union territory, means the administrator thereof.

**3. Power to make orders detaining certain persons.**—(1) The Central Government or the State Government may,—

- (a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India; or
- (b) if satisfied with respect to any foreigner that with a view to regulating his continued presence in India or with a view to making arrangements for his expulsion from India,

it is necessary so to do, make an order directing that such person be detained.

(2) The Central Government or the State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community it is necessary so to do, make an order directing that such person be detained.

**Explanation.**—For the purposes of this sub-section, "acting in any manner prejudicial to the maintenance of supplies and services essential to the community" does not include "acting in any manner prejudicial to the maintenance of supplies of commodities essential to the

community" as defined in the *Explanation* to sub-section (1) of section 3 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (7 of 1980) and accordingly, no order of detention shall be made under this Act on any ground on which an order of detention may be made under that Act.

(3) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may, by order in writing, direct, that during such period as may be specified in the order, such District Magistrate or Commissioner of Police may also, if satisfied as provided in sub-section (2), exercise the powers conferred by the said sub-section:

Provided that the period specified in an order made by the State Government under this sub-section shall not, in the first instance, exceed three months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.

(4) When any order is made under this section by an officer mentioned in sub-section (3), he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless, in the meantime, it has been approved by the State Government:

Provided that where under section 8 the grounds of detention are communicated by the officer making the order after five days but not later than ten days from the date of detention, this sub-section shall apply subject to the modification that, for the words "twelve days", the words "fifteen days" shall be substituted.

(5) When any order is made or approved by the State Government under this section, the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.

4. *Execution of detention orders.*—A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973 (2 of 1974).

5. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

- (a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify; and
- (b) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government:

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

6. *Detention orders not to be invalid or inoperative on certain grounds.*—No detention order shall be invalid or inoperative merely by reason—

- (a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or
- (b) that the place of detention of such person is outside the said limits.

7. *Powers in relation to absconding persons.*—(1) If

the Central Government or the State Government or an officer mentioned in sub-section (3) of section 3, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government or officer may—

(a) make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides;

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order.

(2) Upon the making of a report against any person under clause (c) of sub-section (1), the provisions of sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply in respect of such person and his property as if the detention order made against him were a warrant issued by the Magistrate.

(3) If any person fails to comply with an order issued under clause (b) of sub-section (1), he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence under sub-section (3) shall be cognizable.

8. *Grounds of order of detention to be disclosed to persons affected by the order.*—(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

9. *Constitution of Advisory Boards.*—(1) The Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.

(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the appropriate Government.

(3) The appropriate Government shall appoint one of the members of the Advisory Board who is, or has been, a Judge of a High Court to be its Chairman, and in the case of a Union territory, the appointment to the Advisory Board of any person who is a Judge of the High Court of a State shall be with the previous approval of the State Government concerned.

10. *Reference to Advisory Boards.*—Save as otherwise expressly provided in this Act, in every case where a detention order has been made under this Act, the appropriate Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 9, the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer mentioned in sub-section (3) of section 3, also the report by such officer under sub-section (4) of that section.

**11. Procedure of Advisory Boards.**—(1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the appropriate Government within seven weeks from the date of detention of the person concerned.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board; and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

**12. Action upon the report of the Advisory Board.**—(1) In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(2) In any case where the Advisory Board has reported that there is, in its opinion, no sufficient cause for the detention of a person, the appropriate Government shall revoke the detention order and cause the person concerned to be released forthwith.

**13. Maximum period of detention.**—The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 12 shall be twelve months from the date of detention:

Provided that nothing contained in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time.

**14. Revocation of detention orders.**—(1) Without prejudice to the provisions of section 21 of the General Clauses Act, 1897 (10 of 1897), a detention order may, at any time, be revoked or modified,—

- (a) notwithstanding that the order has been made by an officer mentioned in sub-section (3) of section 3, by the State Government to which that officer is subordinate or by the Central Government;
- (b) notwithstanding that the order has been made by a State Government, by the Central Government.

(2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation of expiry on which the Central Government or a State Government or an officer mentioned in sub-section (3) of section 3, as the case may be, is satisfied that such an order should be made.

**15. Temporary release of persons detained.**—(1) The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require

him to enter into a bond with or without securities for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

**16. Protection of action taken in good faith.**—No suit or other legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution or other legal proceeding shall lie against any person, for anything in good faith done or intended to be done in pursuance of this Act.

**17. Act not to have effect with respect to detentions under State laws.**—(1) Nothing in this Act shall apply or have any effect with respect to orders of detention, made under any State law, which are in force immediately before the commencement of the National Security Ordinance, 1980 (11 of 1980), and accordingly every person in respect of whom an order of detention made under any State law is in force immediately before such commencement, shall be governed with respect to such detention by the provisions of such State law or where the State law under which such order of detention is made is an Ordinance (hereinafter referred to as the State Ordinance) promulgated by the Governor of that State and the State Ordinance has been replaced—

- (i) before such commencement, by an enactment passed by the Legislature of that State, by such enactment; or
- (ii) after such commencement, by an enactment which is passed by the Legislature of that State and the application of which is confined to orders of detention made before such commencement under the State Ordinance, by such enactment, as if this Act had not been enacted.

(2) Nothing in this section shall be deemed to bar the making, under section 3, of a detention order against any person referred to in sub-section (1) after the detention order in force in respect of him as aforesaid immediately before the commencement of the National Security Ordinance, 1980 (11 of 1980), ceases to have effect for any reason whatsoever.

**Explanation.**—For the purposes of this section, "State law" means any law providing for preventive detention on all or any of the grounds on which an order of detention may be made under sub-section (2) of section 3 and in force in any State immediately before the commencement of the said Ordinance.

**18. Repeal and saving.**—(1) The National Security Ordinance, 1980 (11 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on the 23rd day of September, 1980, and, in particular, any reference made under section 10 of the said Ordinance and pending before any Advisory Board immediately before the date on which this Act receives the assent of the President may continue to be dealt with by that Board after that date as if such Board had been constituted under section 9 of this Act.

Assented to on 27-12-1980.

## THE PAYMENT OF BONUS (SECOND AMENDMENT) ACT, 1980

(ACT NO. 66 OF 1980)

AN

ACT

further to amend the Payment of Bonus Act, 1965.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Payment of Bonus (Second Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 21st day of August, 1980, except section 11 which shall come into force at once.

2. *Amendment of section 20.*—In section 2 of the Payment of Bonus Act, 1965 (21 of 1965) (hereinafter referred to as the principal Act).—

(a) in sub-clause (a) of clause (4), after the words “being a company”, the brackets and words “(other than a banking company)” shall be inserted;

(b) in clause (8), after the figures “1970,” the words, figures and brackets “any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980 (40 of 1980),” shall be inserted.

3. *Substitution of new section for section 4.*—For section 4 of the principal Act, the following section shall be substituted, namely:—“4. *Computation of gross profits.*—The gross profits derived by an employer from an establishment in respect of any accounting year shall—

(a) in the case of a banking company, be calculated in the manner specified in the First Schedule;

(b) in any other case, be calculated in the manner specified in the Second Schedule.”.

4. *Amendment of section 6.*—In section 6 of the principal Act,—

(a) in clause (b), for the words “development rebate or development allowance”, the words “development rebate or investment allowance or development allowance” shall be substituted;

(b) in clause (d) for the words “Second Schedule”, the words “Third Schedule” shall be substituted.

5. *Amendment of section 7.*—In section 7 of the principal Act, in clause (c), for the brackets and words “(other than development rebate or development allowance)”, the brackets and words “(other than development rebate or investment allowance or development allowance)” shall be substituted.6. *Substitution of new sections for section 10.*—For section 10 of the principal Act, the following sections shall be substituted, namely:—“10. *Payment of minimum bonus.*—Subject to the other provisions of this Act, every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1979 and in respect of every subsequent accounting year, a minimum bonus which shall be 8.33 per cent of the salary or wage earned by the employee during the accounting year or one hundred rupees, whichever is higher, whether or not the employer has any allocable surplus in the accounting year;

Provided that where an employee has not completed fifteen years of age at the beginning of the accounting year, the provisions of this section shall have effect in relation to such employee as if for the words “one hundred rupees” the words “sixty rupees” were substituted.

11. *Payment of maximum bonus.*—(1) Where in respect of any accounting year referred to in section 10, the allocable surplus exceeds the amount of minimum bonus payable to the employees under that section, the employer shall, in lieu of such minimum bonus, be bound to pay to every employee in respect of that accounting year bonus which shall be an amount in proportion to the salary or wage earned by the employee during the accounting year subject to a maximum of twenty per cent of such salary or wage.

(2) In computing the allocable surplus under this section, the amount set on or the amount set off under the provisions of section 15 shall be taken into account in accordance with the provisions of that section.”.

7. *Amendment of section 12.*—In section 12 of the principal Act, for the words and figures “under section 10”, the words and figures “under section 10 or, as the case may be, under section 11,” shall be substituted.8. *Substitution of new section for section 13.*—For section 13 of the principal Act, the following section shall be substituted, namely:—“13. *Proportionate reduction in bonus in certain cases.*—Where an employee has not worked for all the working days in an accounting year, the minimum bonus of one hundred rupees or, as the case may be, of sixty rupees, if such bonus is higher than 8.33 per cent of his salary or wage for the days he has worked in that accounting year, shall be proportionately reduced.”.9. *Substitution of new section for section 15.*—For section 15 of the principal Act, the following section shall be substituted, namely:—“15. *Set on and set off of allocable surplus.*—(1) Where for any accounting year the allocable surplus exceeds the amount of maximum bonus payable to the employees in the establishment under section 11, then, the excess shall, subject to a limit of twenty percent of the total salary or wage of the employees employed in the establishment in that accounting year, be carried forward for being set on in the succeeding accounting year and so on up to and inclusive of the fourth accounting year to be utilised for the purpose of payment of bonus in the manner illustrated in the Fourth Schedule.

(2) Where for any accounting year, there is no available surplus or the allocable surplus in respect of that year falls short of the amount of minimum bonus payable to the employees in the establishment under section 10, and there is no amount or sufficient amount carried forward and set on under sub-section (1) which could be utilised for the purpose of payment of the minimum bonus, then, such minimum amount or the deficiency, as the case may be, shall be carried forward for being set off in the succeeding accounting year and so on up to and inclusive of the fourth accounting year in the manner illustrated in the Fourth Schedule.

(3) The principle of set on and set off as illustrated in the Fourth Schedule shall apply to all other cases not covered by sub-section (1) or sub-section (2) for the purpose of payment of bonus under this Act.

(4) Where in any accounting year any amount has been carried forward and set on or set off under this section, then, in calculating bonus for the succeeding accounting year, the amount of set on or set off carried forward from the earlier accounting year shall first be taken into account.”.

10. *Amendment of section 16.*—In section 16 of the principal Act, in sub-section (1B), for the words “Third

Schedule" at both the places where they occur, the words "Fourth Schedule" shall be substituted.

11. *Amendment of section 20.*—Section 20 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Save as otherwise provided in sub-section (1), nothing in this Act shall apply to the employees employed by any establishment in public sector.".

12. *Amendment of section 21.*—In section 21 of the principal Act, in the *Explanation*, for the words and figures "sections 22, 23 and 25", the words and figures "sections 22, 23, 24 and 25" shall be substituted.

13. *Amendment of section 23.*—In section 23 of the principal Act, in sub-section (1), for the word and figures "section 25", the words and figures "sections 24 and 25" shall be substituted.

14. *Insertion of new section 24.*—After section 23 of the principal Act, the following section shall be inserted, namely:—

"24. *Audited accounts of banking companies not to be questioned.*—(1) Where any dispute of the nature specified in section 22 between an employer, being a banking company, and its employees has been referred to the said authority under that section and during the course of proceedings the accounts of the banking company duly audited are produced before it, the said authority shall not permit any trade union or employees to question the correctness of such accounts, but the trade union or the employees may be permitted to obtain from the banking company such information as is necessary for verifying the amount of bonus due under this Act.

(2) Nothing contained in sub-section (1) shall enable the trade union or the employees to obtain an information which the banking company is not compelled to furnish under the provisions of section 34A of the Banking Regulation Act, 1959 (10 of 1949).".

15. *Amendment of section 27.*—In section 27 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Nothing contained in this section shall enable an Inspector to require a banking company to furnish or disclose any statement or information or to produce, or give inspection of, any of its books of account or other documents, which a banking

company cannot be compelled to furnish, disclose, produce or give inspection of, under the provisions of section 34A of the Banking Regulation Act, 1949 (10 of 1949).".

16. *Amendment of section 30.*—In section 30 of the principal Act, in sub-section (1), after the words "appropriate Government", the words and brackets "or an officer of that Government (not below the rank of a Regional Labour Commissioner in the case of an officer of the Central Government, and not below the rank of a Labour Commissioner in the case of an officer of the State Government) specially authorised in this behalf by that Government" shall be inserted.

17. *Amendment of section 31A.*—In section 31A of the principal Act, in the proviso, for the words "Provided that", the words "Provided further that" shall be substituted and before the proviso as so amended, the following proviso shall be inserted, namely:—

"Provided that any such agreement or settlement whereby the employees relinquish their right to receive the minimum bonus under section 10 shall be null and void in so far as it purports to deprive them of such right.".

18. *Amendment of section 32.*—In section 32 of the principal Act,—

(a) clause (vii) shall be omitted;

(b) in clause (ix).—

(i) sub-clause (ff) shall be omitted;  
(ii) in sub-clause (g), after the words "financial institution" the brackets and words "(other than a banking company)" shall be inserted.

19. *Amendment of the First Schedule.*—In the principal Act,—

(a) the First Schedule shall be renumbered as the Second Schedule and in that Schedule as so renumbered—

(i) for the brackets, words and figure "(See section 4)", the brackets, words, figure and letter "[See section 4(b)]" shall be substituted;  
(ii) in the second column, against Item No. 2, for the entry "(d) Development rebate/Development allowance reserve", the entry "(d) Development rebate/Investment allowance/Development allowance reserve." shall be substituted:

(b) before that Schedule as so renumbered, the following Schedule shall be inserted, namely:—

### THE FIRST SCHEDULE

[See section 4 (a)]

#### COMPUTATION OF GROSS PROFITS

Accounting Year ending .....

| Item No.   | Particulars | Amount of sub-items | Amount of main items | Remarks                     |
|--|-------------|---------------------|----------------------|-----------------------------|
|  |             | Rs.                 | Rs.                  |                             |
| *1. <i>Net Profit</i> as shown in the Profit and Loss Account after making usual and necessary provisions. |             |                     |                      |                             |
| 2. <i>Add back</i> provision for:  |             |                     |                      |                             |
| (a) Bonus to employees.  |             |                     |                      | <i>See</i> foot-note (1)    |
| (b) Depreciation.  |             |                     |                      |                             |
| (c) Development Rebate Reserve.  |             |                     |                      |                             |
| (d) Any other reserves.  |             |                     |                      | <i>See</i> foot-note (1).   |
| <b>Total of Item No. 2</b>   |             |                     |                      |                             |
| 3. <i>Add back</i> also:   |             |                     |                      |                             |
| (a) Bonus paid to employees in respect of previous accounting years.                                       |             |                     |                      | * <i>See</i> foot-note (1). |

\*Where the profit subject to taxation is shown in the Profit and Loss Account and the provision made for taxes on income is shown, the actual provision for taxes on income shall be deducted from the profit.

| Item No. | Particulars  | Amount of sub-items | Amount of main items | Remarks            |
|----------|--|---------------------|----------------------|--------------------|
|          |  | Rs.                 | Rs.                  |                    |
|          | (b) The amount debited in respect of gratuity paid or payable to employees in excess of the aggregate of—<br>(i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund; and<br>(ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason.   |                     |                      |                    |
| (c)      | Donations in excess of the amount admissible for income-tax.   |                     |                      |                    |
| (d)      | Capital expenditure (other than capital expenditure on scientific research which is allowed as a deduction under any law for the time being in force relating to direct taxes) and capital losses (other than losses on sale of capital assets on which depreciation has been allowed for income-tax).   |                     |                      | See footnote (1)   |
| (e)      | Any amount certified by the Reserve Bank of India in terms of sub-section (2) of section 34A of the Banking Regulation Act, 1949 (10 of 1949).   |                     |                      |                    |
| (f)      | Losses of, or expenditure relating to, any business situated outside India.  |                     |                      |                    |
|          | Total of Item No. 3  | ..                  | Rs.                  |                    |
| 4.       | Add also income, profits or gains (if any) credited directly to published or disclosed reserves, <i>other than</i> —<br>(i) capital receipts and capital profits (including profits on the sale of capital assets on which depreciation has not been allowed for income-tax);<br>(ii) profits of, and receipts relating to, any business situated outside India;<br>(iii) income of foreign banking companies from investments outside India.  |                     |                      |                    |
|          | Net total of Item No. 4  | ..                  | Rs.                  |                    |
| 5.       | Total of Item Nos. 1, 2, 3, and 4  | ..                  | Rs.                  |                    |
| 6.       | <i>Deduct:</i><br>(a) Capital receipts and capital profits (other than profits on the sale of assets on which depreciation has been allowed for income-tax).<br>(b) Profits of and receipts relating to, any business situated outside India.<br>(c) Income of foreign banking companies from investments outside India.<br>(d) Expenditure or losses (if any) debited directly to published or disclosed reserves, <i>other than</i> —<br>(i) capital expenditure and capital losses (other than losses on sale of capital assets on which depreciation has not been allowed for income-tax);<br>(ii) losses of any business situated outside India.<br>(e) In the case of foreign banking companies proportionate administrative (overhead) expenses of Head Office allocable to Indian business.<br>(f) Refund of any excess direct tax paid for previous accounting years and excess provision, if any, of previous accounting years, relating to bonus, depreciation, or development rebate, if written back.<br>(g) Cash subsidy, if any, given by the Government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes. |                     |                      | See foot-note (2). |
|          | See foot-note (2).   |                     |                      |                    |
|          | See foot-note (2).   |                     |                      |                    |
|          | See foot-note (3).   |                     |                      |                    |
|          | See foot-note (2).   |                     |                      |                    |
|          | See foot-note (2).   |                     |                      |                    |
|          | See foot-note (2).   |                     |                      |                    |
|          | Total of Item No. 6  | ..                  | Rs.                  |                    |
| 7.       | Gross Profits for purposes of bonus (Item No. 5 minus Item No. 6)  | ..                  | Rs.                  |                    |

*Explanation.*—In sub-item (b) of Item 3, “approved gratuity fund” has the same meaning assigned to it in clause (5) of section 2 of the Income-tax Act.

*Foot-notes—*

- (1) If, and to the extent, charge to Profit and Loss Account.
- (2) If, and to the extent, credited to Profit and Loss Account.
- (3) In the proportion of Indian Gross Profit (Item No. 7) to Total World Gross Profit (as per consolidated Profit and Loss Account adjusted as

In Item No. 2 above only).

**20. Amendment of the Second Schedule.**—In the principal Act, the Second Schedule shall be renumbered as the Third Schedule and in that Schedule as so renumbered,—

- (a) in column (2), against Item No. 1, for the word “Company”, the words “Company, other than a banking company” shall be substituted;
- (b) after Item No. 1 and the entries relating thereto, the following item and entries shall be inserted, namely:—

| (1)                       | (2) | (3)  |
|---------------------------|-----|--|
| "2. Banking company .. .. |     | <p>(i) The dividends payable on its preference share capital for the accounting year calculated at the rate at which such dividends are payable;</p> <p>(ii) 7.5 per cent of its paid up equity share capital as at the commencement of the accounting year;</p> <p>(iii) 5 per cent of its reserves shown in its balance-sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year;</p> <p>(iv) any sum which, in respect of the accounting year, is transferred by it—</p> <p>(a) to a reserve fund under sub-section (1) of section 17 of the Banking Regulation Act, 1949 (10 of 1949); or</p> <p>(b) to any reserves in India in pursuance of any direction or advice given by the Reserve Bank of India,</p> <p>whichever is higher:</p> <p>Provided that where the banking company is a foreign company within the meaning of section 591 of the Companies Act, 1956, (1 of 1956) the amount to be deducted under this item shall be the aggregate of—</p> <p>(i) the dividends payable to its preference shareholders for the accounting year at the rate at which such dividends are payable on such amount as bears the same proportion to its total preference share capital as its total working funds in India bear to its total world working funds;</p> <p>(ii) 7.5 per cent, of such amount as bears the same proportion to its total paid up equity share capital as its total working funds in India bear to its total world working funds;</p> <p>(iii) 5 per cent, of such amount as bears the same proportion to its total disclosed reserves as its total working funds in India bear to its total world working funds;</p> <p>(iv) any sum which, in respect of the accounting year, is deposited by it with the Reserve Bank of India under sub-clause (ii) of clause (b) of sub-section (2) of section 11 of the Banking Regulation Act, 1949 (10 of 1949) not exceeding the amount required under the aforesaid provision to be so deposited.”;</p> |

(c) in the *Explanation*, for the figures, brackets and word “1 (iii) and 3 (ii)” the figures, brackets and word “1 (iii), 2 (iii) and 3 (ii)” shall be substituted.

**21. Substitution of new Schedule for the Third Schedule.**—For the Third Schedule to the principal Act, the following Schedule shall be substituted, namely:—

**“THE FOURTH SCHEDULE**  
(See sections 15 and 16)

In this Schedule, the total amount of bonus equal to 8.33 per cent of the annual salary or wage payable to all the employees is assumed to be Rs. 1,04,167. Accordingly, the maximum bonus to which all the employees are entitled to be paid (twenty per cent of the annual salary or wage of all the employees) would be Rs. 2,50,000.

| Year | Amount equal to sixty per cent. or sixty-seven per cent, as the case may be, or available surplus allocable as bonus | Amount payable as bonus  | Set on or set off of the year carried forward | Total set on or set off carried forward |
|------|--|--|---|---|
| 1    | 2  | 3  | 4   | 5                                       |
|      | Rs.  | Rs.  | Rs.   | Rs. of (year)                           |
| 1    | 1,04,167   | 1,04,167**   | Nil   | Nil                                     |
| 2    | 6,35,000   | 2,50,000*  | Set on 2,50,000*                              | Set on 2,50,000 (2)                     |
| 3    | 2,20,000   | 2,50,000*<br>(inclusive of 30,000 from year-2).                          | Nil   | Set on 2,20,000 (2)                     |
| 4    | 3,75,000   | 2,50,000*  | Set on 1,25,000                               | Set on 2,20,000 (2)                     |
| 5    | 1,40,000   | 2,50,000*<br>(inclusive of 1,10,000 from year-2).                        | Nil   | Set on 1,10,000 (2)                     |
| 6    | 3,10,000   | 2,50,000*  | Set on 60,000                                 | Set on 1,25,000 (4)                     |
| 7    | 1,00,000   | 2,50,000*<br>(inclusive of 1,25,000 from year-4 and 25,000 from year-6). | Nil   | Set on 60,000 (6)                       |

| 1  | 2                    | 3  | 4                 | 5                 | of (year) |
|----|----------------------|--|-------------------|-------------------|-----------|
|    | Rs.                  | Rs.  | Rs.               | Rs.               |           |
| 8  | Nil<br>(due to loss) | 1,04,167**<br>(inclusive of<br>35,000 from<br>year-6)                                | Set off<br>69,167 | Set off<br>69,167 | (8)       |
| 9  | 10,000               | 1,04,167**   | Set off<br>94,167 | Set off<br>69,167 | (8)       |
| 10 | 2,15,000             | 1,04,167**<br>(after setting off<br>69,167 from year-8<br>and 41,666 from<br>year-9) | Nil               | Set off<br>52,501 | (9)       |

## NOTES—

\*Maximum.

†The balance of Rs. 1,10,000 set off from year-2 lapses.

\*\*Minimum."

22. *Repeal and saving.*—(1) The Payment of Bonus (Amendment) Ordinance, 1980 (10 of 1980) hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Assented to on 27-12-1980.

## THE FOREST (CONSERVATION) ACT, 1980

(ACT NO. 69 OF 1980)

AN

ACT

to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Forest (Conservation) Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of October, 1980.

2. *Restriction on the dereservation of forests or use of forest land for non-forest purpose.*—Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing—

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose.

*Explanation.*—For the purposes of this section "non-forest purpose" means breaking up or clearing of any forest land or portion thereof for any purpose other than reafforestation.

3. *Constitution of Advisory Committee.*—The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to—

(i) the grant of approval under section 2; and  
(ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

4. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. *Repeal and saving.*—(1) The Forest (Conservation) Ordinance, 1980 (17 of 1980) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Assented to on 27-12-1980.

## THE HIND CYCLES LIMITED AND SEN-RALEIGH LIMITED (NATIONALISATION) ACT, 1980

(ACT NO. 70 OF 1980)

AN

ACT

to provide for the acquisition of the undertakings of Hind Cycles Limited, and Sen-Raleigh Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of bicycles and their component parts and accessories which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

WHEREAS Hind Cycles Limited and Sen-Raleigh Limited had been engaged in the manufacture and production of articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951), namely, bicycles and their component parts and accessories;

AND WHEREAS the management of the undertakings of Hind Cycles Limited and Sen-Raleigh Limited were taken over by the Central Government under the provisions of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

AND WHEREAS it is necessary to acquire the undertakings of Hind Cycles Limited and Sen-Raleigh Limited to ensure that the interests of the general public are served by the continuance, by the undertakings of the two companies, of the manufacture, production and distribution of the aforesaid articles which are essential to the needs of the economy of the country;

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Hind Cycles Limited and Sen-Raleigh Limited (Nationalisation) Act, 1980.

(2) It shall be deemed to have come into force on the 15th day of October, 1980.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "appointed day" means the 15th day of October, 1980;
- (b) "Commissioner" means the Commissioner of Payments appointed under section 15;
- (c) "Custodian" means the Custodian appointed under sub-section (2) of section 9 to take over, or carry on, the management of the undertakings of either, or both, of the two companies;
- (d) "notification" means a notification published in the Official Gazette;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "Sen-Raleigh Limited" includes Sen and Pandit Industries Limited, Ancillary Industries (Lgs) Private Limited, Ancillary Industries (Forgings) Private Limited, Ancillary Industries (Cranks) Private Limited and Naokhali Machine Tools Limited, all having their registered offices at 1, Middleton Street, Calcutta;
- (g) "specified date", in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purposes of that provision and different dates may be specified for different provisions of this Act;
- (h) "two companies" means Hind Cycles Limited and Sen-Raleigh Limited, being companies as defined in the Companies Act, 1956 (1 of 1956), and having their registered offices at Birlagram, Nagda (Madhya Pradesh), and 1, Middleton Street, Calcutta, respectively;
- (i) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956) shall have the meanings, respectively, assigned to them in that Act.

## CHAPTER II

### ACQUISITION OF THE UNDERTAKINGS OF THE TWO COMPANIES

3. *Transfer to, and vesting in, Central Government of the undertakings of the two companies.*—On the appointed day, the undertakings of each of the two companies, and the right, title and interest of each of the two companies in relation to such undertakings, shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

4. *General effect of vesting.*—(1) The undertakings of each company referred to in section 3 shall be deemed to include all assets, rights, lease-hold, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, cheques, demand drafts, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of such company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto, and shall also be deemed to include the liabilities specified in sub-section (2) of section 5.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting them, and any attachment, injunction,

decree or order of any court restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amount specified, in relation to the company owning such property, in the First Schedule, and also out of the amounts determined under section 8, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to either of the two companies in relation to any undertaking which has vested in the Central Government under section 3 at any time before the appointed day and in force immediately before that day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of such undertaking, and, on and from the date of vesting of such undertaking under section 6 in a Government company, such Government company shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to such Government company and such Government company shall hold it for the remainder of the period for which the company to which it was granted would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any matter specified in sub-section (2) of section 5, in respect of any undertaking of either of the two companies, instituted or preferred by or against either of the two companies, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of either of the two companies or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in Government companies, by or against the concerned Government company.

5. *Owners of the two companies to be liable for certain prior liabilities.*—(1) Every liability, other than the liability specified in sub-section (2), of each of the two companies in respect of any period prior to the appointed day, shall be the liability of the concerned company and shall be enforceable against it and not against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in Government companies, against the concerned Government company.

(2) Any liability arising in respect of materials supplied to either of the two companies after the management of the undertakings of the company had been taken over by the Central Government shall, on and from the appointed day, be the liability of the Central Government or of the concerned Government company aforesaid and shall be discharged by that Government or Government company, as and when repayment for such supplies becomes due and payable.

(3) For the removal of doubts, it is hereby declared that—

(a) save as otherwise expressly provided in this

section or in any other provision of this Act, no liability, other than the liability specified in sub-section (2), of either of the two companies in relation to its undertakings in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in Government companies, against the concerned Government company:

- (b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of either of the two companies, passed on or after the appointed day, in respect of any matter, claim or dispute, not being a matter, claim or dispute in relation to any matter referred to in sub-section (2), which arose before that day, shall be enforceable against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in Government companies, against the concerned Government company;
- (c) no liability incurred by either of the two companies before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the two companies are directed, under section 6, to vest in Government companies, against the concerned Government company.

**6. Power of Central Government to direct vesting of the undertakings of the two companies in two Government companies.**—(1) Notwithstanding anything contained in sections 3 and 4, the Central Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification, that each of the undertakings of the two companies and the right, title and interest of each of the two companies in relation to their respective undertakings which have vested in that Government under section 3, and such of the liabilities of each of the two companies as are specified in sub-section (2) of section 5, shall, instead of continuing to vest in the Central Government, vest in two Government companies either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest, and the liabilities referred to in sub-section (2) of section 5, of each of the two companies, in relation to its undertakings, vest in two Government companies under sub-section (1), the Government companies shall, on and from the date of such vesting, be deemed to have become the owners in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Government companies.

### CHAPTER III

#### PAYMENT OF AMOUNTS

**7. Payment of amount.**—For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of each of the two companies and the right, title and interest of each of the two companies in relation to such undertakings, there shall be given by the Central Government to each of the companies, in cash and in the manner specified in Chapter VI, an amount equal to the amount specified against the name of such company in the First Schedule.

**8. Payment of further amounts.**—(1) For the deprivation of the two companies of the management of their undertakings, there shall be given by the Central Government to each of the companies in cash, an amount calculated at the rate specified against the name of such company in the Second Schedule for the period commencing on the date on which the management of the undertakings of such company was taken over in pursuance of the orders made by the Central Government under the

provisions of the Industries (Development and Regulation) Act, 1951 (65 of 1951) and ending on the appointed day.

(2) The amount specified in section 7 and the amount calculated in accordance with the provisions of sub-section (1) shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

(3) The amounts determined in accordance with the provisions of sub-sections (1) and (2) shall be given by the Central Government to the two companies in addition to the amount specified in the First Schedule.

### CHAPTER IV

#### MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE TWO COMPANIES

**9. Management; etc., of the undertakings of the two companies.**—(1) The general superintendence, direction, control and management of the affairs and business of the undertakings of each of the two companies, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

- (a) where a direction has been made by the Central Government under sub-section (1) of section 5, vest in the Government company specified in such direction; or
- (b) where no such direction has been made by the Central Government, vest in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian or Custodians so appointed, as the case may be, shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as either, or both, of the two companies is, or are, authorised to exercise and do in relation to its or their undertakings.

(2) The Central Government may appoint one or more individuals or a Government company as the Custodian or Custodians of the undertakings of either, or both, of the two companies in relation to which no direction has been made by it under sub-section (1) of section 6.

(3) The Custodian or Custodians so appointed shall receive, from the funds of the undertakings of the two companies, such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

**10. Duty of persons in charge of management of the undertakings of the two companies to deliver all assets, etc.**—(1) On the vesting of the management of the undertakings of the two companies in Government companies or on the appointment of Custodian or Custodians, all persons in charge of the management of the undertakings of either of the two companies immediately before such vesting or appointment, shall be bound to deliver to the concerned Government company or the Custodian or Custodians, as the case may be, all assets, books of account, registers or other documents in their custody relating to the undertakings.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government companies or the Custodian or Custodians, and such Government companies or the Custodian or Custodians may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the two companies shall be conducted or in relation to any other matter arising in the course of such management.

**11. Duty of persons to account for assets, etc., in their possession.**—(1) Any person who has, on the appointed day, in his possession or under his control any assets,

books, documents or other papers relating to any undertaking owned by the two companies, which have vested in the Central Government or in Government companies under this Act, and which belong to the two companies, or would have so belonged, if the undertakings owned by the two companies had not vested in the Central Government or such Government companies, shall be liable to account for the said assets, books, documents and other papers to the Central Government or the Government companies and shall deliver them up to the Central Government or such Government companies or to such person or persons as the Central Government or the concerned Government company may specify in this behalf.

(2) The Central Government or the Government companies aforesaid may take or cause to be taken all necessary steps for securing possession of the undertakings of the two companies which have vested in the Central Government or the Government companies under this Act.

(3) The two companies shall within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all their properties and assets, as on the appointed day, pertaining to the undertakings which have vested in the Central Government under section 3, and, for this purpose, the Central Government or the Government companies aforesaid shall afford to the two companies all reasonable facilities.

**12. Accounts and audit.**—The Custodian or Custodians of the undertakings of either, or both, of the two companies shall maintain an account of the undertakings of the concerned company or companies in such form and manner and under such conditions as may be prescribed and the provisions of the Companies Act, 1956 (1 of 1956), shall apply to the audit of the accounts so maintained as they apply to the audit of the accounts of a company.

## CHAPTER V

### PROVISIONS RELATING TO EMPLOYEES OF THE TWO COMPANIES

**13. Continuance of employees.**—(1) Every person who has been, immediately before the appointed day, employed in any undertaking of either of the two companies shall become,—

- (a) on and from the appointed day, an employee of the Central Government, and
- (b) where the undertakings of the two companies are directed, under sub-section (1) of section 6, to vest in Government companies, an employee of the concerned Government company on and from the date of such vesting or transfer,

and shall hold office or service under the Central Government or the concerned Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the concerned Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the concerned Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of either of the two companies, to the Central Government or a Government company, shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

**14. Provident fund and other funds.**—(1) Where either of the two companies has established a provident fund, superannuation, welfare or other fund for the benefit of the persons employed in any of its undertakings, the moneys relatable to the officers or other employees whose services have become transferred by or under this Act to the Central Government or a Government company shall, out of the moneys standing, on the appointed day, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, the Central Government or the concerned Government company, as the case may be.

(2) The moneys which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or Government company in such manner as may be prescribed.

## CHAPTER VI

### COMMISSIONER OF PAYMENTS

**15. Appointment of Commissioner of Payments.**—(1) The Central Government shall, for the purpose of disbursing the amounts payable under sections 7 and 8 to each of the two companies, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

**16. Payment by Central Government to the Commissioner.**—(1) The Central Government shall, within thirty days from the specified date, pay in cash to the Commissioner, for payment to each of the two companies,—

- (a) an amount equal to the amount specified against the name of such company in the First Schedule; and
- (b) an amount equal to the amount payable to each of the two companies under section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Separate records shall be maintained by the Commissioner in respect of the undertakings of each of the two companies in relation to which payments have been made to him under this Act.

(4) Interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the two companies.

**17. Certain powers of Central Government or Government companies.**—(1) The Central Government or the concerned Government company, as the case may be, shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money due to either of the two companies in relation to the undertakings which have vested in the Central Government or the Government company and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the concerned Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by that Government or Government company after the appointed day, for discharging any liability of either of the two companies, not being any liability specified in sub-section (2) of section 5, in relation to any period prior to the appointed day, and every such claim shall have priority, in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of either of the two companies in respect of any transaction prior to the appointed day which have not been discharged on or before the specified date shall be the liabilities of the respective company.

**18. Claims to be made to the Commissioner.**—Every person having a claim against either of the two companies with regard to any of the matters specified in the Third Schedule, pertaining to any undertaking owned by it shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

**19. Priority of claims.**—The claims made under section 18 shall have priorities in accordance with the following principles, namely:—

- (a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;
- (b) the claims specified in each of the categories shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and
- (c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

**20. Examination of claims.**—(1) On receipt of the claims made under section 18, the Commissioner shall examine the claims in the order of priorities specified in the Third Schedule and examine the same in accordance with such order.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

**21. Admission or rejection of claims.**—(1) After examining the claims with reference to the priorities specified in the Third Schedule, the Commissioner shall fix a date on or before which every claimant shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and in one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the period specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the concerned company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold sitting and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commissioner shall be deemed to be a Civil Court for the purposes of section 195, and Chapter XXVI, of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A claimant who is dissatisfied with the decision of the Commissioner, may prefer an appeal against such decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the concerned company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court exercising jurisdiction over the place in which the registered office of the concerned company is situated and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

**22. Disbursement of money by the Commissioner.**—After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and on such payment, the liability of each of the two companies in respect of such claim shall stand discharged.

**23. Disbursement of amounts to the two companies.**—(1) If, out of the moneys paid to him in relation to the undertakings of either of the two companies, there is a balance left after meeting the liabilities as specified in the Third Schedule, the Commissioner shall disburse such balance to the concerned company.

(2) Where the possession of any machinery, equipment or other property has vested in the Central Government or a Government company under this Act, but such machinery, equipment or other property does not belong to either of the two companies, it shall be lawful for the Central Government or the concerned Government company to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by either of the companies immediately before the appointed day.

**24. Undisbursed or unclaimed amount to be deposited with the general revenue account.**—Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central

Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for the payment of the claim being treated as an order for the refund of revenue.

## CHAPTER VII

### MISCELLANEOUS

**25. Act to have overriding effect.**—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

**26. Contracts to cease to have effect unless ratified by Central Government or Government companies.**—Every contract entered into by either of the two companies in relation to any of its undertakings which has vested in the Central Government under section 3 for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of a period of thirty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or the Government company concerned, in which such undertaking has been vested under this Act and in ratifying such contract, the Central Government or such Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or such Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

- (a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or such Government company; and
- (b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

**27. Penalties.**—Any person who,—

- (a) having in his possession, custody or control any property forming part of any undertaking of either of the two companies, wrongfully withholds such property from the Central Government or the Government company concerned; or
- (b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of either of the two companies; or
- (c) wilfully withholds or fails to furnish to the Central Government or the Government company concerned or any person or body of persons specified by that Government or such Government company, any document relating to such undertaking, which may be in his possession, custody or control; or
- (d) fails to deliver to the Central Government or the Government company concerned or any person or body of persons specified by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertakings of either of the two companies; or
- (e) wrongfully removes or destroys any property forming part of any undertaking of either of the two companies or prefers any claim which he knows or has reason to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

**28. Offences by companies.**—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.**—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

**29. Protection of action taken in good faith.**—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Custodian or the Government companies or other person authorised by that Government or Government companies for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or the Custodian or the Government companies or any officer or other person authorised by those companies for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

**30. Delegation of powers.**—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section and sections 31 and 32 may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

**31. Power to make rules.**—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;
- (b) the form and manner in which, and the conditions under which, the Custodian or Custodians shall maintain the accounts as required by section 12;
- (c) the manner in which the moneys in any provident fund or other fund, referred to in section 14, shall be dealt with;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**32. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

**33. Repeal and saving.**—(1) The Hind Cycles Limited and Sen-Raleigh Limited (Nationalisation) Ordinance, 1980 (16 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

#### THE FIRST SCHEDULE

[See sections 4(4), 7, 8(3) and 16(l) (a)]

| Sl. No. | Name of the company                             | Amount (Rupees in lakhs) |
|---------|---|--------------------------|
| 1.      | Hind Cycles Limited                             | 241.47                   |
| 2.      | Sen-Raleigh Limited                             | 708.00                   |
| 3.      | Sen and Pandit Industries Limited               | 23.96                    |
| 4.      | Ancillary Industries (Lugs) Private Limited     | 1.31                     |
| 5.      | Ancillary Industries (Forgings) Private Limited | 1.44                     |
| 6.      | Ancillary Industries (Crank) Private Limited    | 2.33                     |
| 7.      | Naokhali Machine Tools Limited                  | 2.87                     |

#### THE SECOND SCHEDULE

[See section 8(1)]

| Sl. No. | Name of the company                             | Rate per annum (Rupees) |
|---------|---|-------------------------|
| 1.      | Hind Cycles Limited                             | 8,000                   |
| 2.      | Sen-Raleigh Limited                             | 8,000                   |
| 3.      | Sen and Pandit Industries Limited               | 500                     |
| 4.      | Ancillary Industries (Lugs) Private Limited     | 500                     |
| 5.      | Ancillary Industries (Forgings) Private Limited | 500                     |
| 6.      | Ancillary Industries (Crank) Private Limited    | 500                     |

#### THE THIRD SCHEDULE

[See sections 18, 20(1), 21(1) and 23(1)]

#### ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE TWO COMPANIES

*Post-take-over management period*

#### Category I—

(a) Wages, salaries and other dues payable to the employees of the companies.

(b) Deductions made from the salaries and wages of the employees for provident fund, the Employees' State Insurance Fund, premium relating to the Life Insurance Corporation of India or for any other purpose.

#### Category II—

Principal amount of loans advanced by—

- (i) the Central Government
- (ii) a State Government
- (iii) Banks and financial institutions
- (iv) any other sources.

#### Category III—

(a) Arrears in relation to contributions to be made by the companies to provident fund, the Employees' State Insurance Fund or under any other law for the time being in force providing for such contributions.

(b) Any credits availed of by the companies for the purpose of carrying on any trading or manufacturing operations, other than those specified in sub-section (2) of section 5.

(c) Any dues of State Electricity Boards or other Government or semi-Government institutions against supply of goods or services, other than those specified in sub-section (2) of section 5.

(d) Arrears of interest on loans and advances.

#### Category IV—

(a) Revenue, taxes, cesses, rates or other dues to the Central Government, a State Government or any local authority.

(b) Any other dues.

#### *Pre-take-over management period*

#### Category V—

(a) Wages, salaries and other dues payable to the employees of the companies.

(b) Deductions made from the salaries and wages of the employees for provident fund, the Employees' State Insurance Fund, premium relating to the Life Insurance Corporation of India or for any other purpose.

#### Category VI—

(a) Principal amount of secured loans advanced by—

- (i) the Central Government
- (ii) a State Government
- (iii) Banks and financial institutions.

(b) Arrears in relation to contributions to be made by the companies to provident fund, the Employees' State Insurance Fund or under any other law for the time being in force providing for such contributions.

#### Category VII—

Principal amount of unsecured loans advanced by—

- (i) the Central Government
- (ii) a State Government
- (iii) Banks and financial institutions.

#### Category VIII—

(a) Any credits availed of by the companies for the purpose of carrying on any trading or manufacturing operations.

(b) Any dues of State Electricity Boards or other Government or semi-Government institutions against supply of goods or services.

(c) Arrears of interest on loans and advances.

(d) Revenue, taxes, cesses, rates or other dues to the Central Government, a State Government or any local authority.

(e) Any other loans or dues.

## THE APPROPRIATION (NO. 4) ACT, 1980

(Act No. 71 of 1980)

AN

## ACT

an for payment and appropriation of certain further sums for and out of the Consolidated Fund of India or the services of the financial year 1980-81.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Appropria-

tion (No. 4) Act, 1980.  
tion of Rs. 13,370,63,21,000 out of the Consolidated Fund of India for the year 1980-81.—From and to the Consolidated Fund of India here may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirteen thousand three hundred and seventy crores, sixty-three lakhs and twenty-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1980-81, in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

## THE SCHEDULE

(See sections 2 and 3)

| Services and purposes                                    | Revenue<br>Capital     | Rs.<br>325,00,00,000 | Sums not exceeding     |  |
|--|------------------------|----------------------|------------------------|--|
|  |                        |                      | Voted by<br>Parliament | Charged on the Total<br>Consolidated<br>Fund |
| Department of Agriculture                                | Co-operation           | 7,70,000             | Rs.                    | 7,70,000                                     |
| Agriculture  |                        | ..                   | ..                     | ..   |
| Department of Agricultural Research and Education        | Research and Education | 25,00,00,000         | Rs.                    | 350,00,00,000                                |
| Ministry of Irrigation                                   | ..                     | 3,50,000             | ..                     | 3,50,000                                     |
| Foreign Trade and Export Promotion                       | ..                     | 2,00,000             | ..                     | 2,00,000                                     |
| Textiles, Handloom and Handicrafts                       | ..                     | 15,00,00,000         | ..                     | 15,00,00,000                                 |
| Textiles, Handloom and Handicrafts                       | Capital                | 25,00,000            | ..                     | 25,00,000                                    |
| Textiles, Handloom and Handicrafts                       | Revenue                | 30,75,00,000         | ..                     | 30,75,00,000                                 |
| Textiles, Handloom and Handicrafts                       | Capital                | 40,00,000            | ..                     | 40,00,000                                    |
| Posts and Telegraphs—                                    |                        |                      |                        |  |
| Working Expenses   | ..                     | 39,55,00,000         | ..                     | 39,55,00,000                                 |
| Capital Outlay on Posts and Telegraphs                   | ..                     | Capital              | 2,000                  | 2,000  |
| Ministry of Defence                                      | ..                     | Capital              | 1,000                  | 1,000  |
| Defence Services—  |                        |                      |                        |  |
| Army   | ..                     | Revenue              | 15,00,000              | 15,00,000                                    |
| Capital Outlay on Defence Services                       | ..                     | Capital              | 85,00,000              | 85,00,000                                    |
| Education  | ..                     | Revenue              | 1,000                  | 1,000  |
| Ministry of Energy                                       | ..                     | Capital              | 40,00,01,000           | 40,00,01,000                                 |
| Taxes on Income, Estate Duty, Wealth Tax and<br>Gift Tax | ..                     | Revenue              | 3,00,00,000            | 3,00,00,000                                  |
| Stamps   | ..                     | Capital              | 50,00,000              | 50,00,000                                    |
| Transfers to State Governments                           | ..                     | Revenue              | 94,71,20,000           | 194,71,20,000                                |
| ..   | Capital                | ..                   | 190,50,80,000          | 190,50,80,000                                |
| Other Expenditure of the Ministry of Finance             | ..                     | Revenue              | 1,000                  | 1,000  |
| Loans to Government Servants, etc.                       | ..                     | Capital              | 15,00,00,000           | 15,00,00,000                                 |
| CHARGED—Repayment of Debt                                | ..                     | ..                   | 12,200,00,00,000       | 12,200,00,00,000                             |
| Medical and Public Health                                | ..                     | Capital              | ..                     | ..   |
| Family Welfare   | ..                     | Revenue              | 99,000                 | 99,000                                       |
| Cabinet  | ..                     | Revenue              | 1,37,000               | 1,37,000                                     |
| Other Expenditure of the Ministry of Home Affairs        | ..                     | Revenue              | 45,00,000              | 45,00,000                                    |
| Industries   | ..                     | Revenue              | 1,000                  | 1,000  |
| ..   | Revenue                | 12,22,28,000         | ..                     | 12,22,28,000                                 |
| ..   | Capital                | 62,54,74,000         | ..                     | 62,54,74,000                                 |
| Information and Publicity                                | ..                     | Revenue              | 2,00,00,000            | 2,00,00,000                                  |
| Broadcasting   | ..                     | Capital              | 79,000                 | 79,000                                       |
| Petroleum and Petro-Chemicals Industries                 | ..                     | Revenue              | ..                     | 29,000                                       |
| Chemicals and Fertilizers Industries                     | ..                     | Capital              | 16,40,24,000           | 16,40,24,000                                 |
| Ministry of Social Welfare                               | ..                     | Revenue              | 1,000                  | 1,000  |
| Department of Steel                                      | ..                     | Capital              | 1,000                  | 1,000  |
| Department of Mines                                      | ..                     | Revenue              | 1,000                  | 1,000  |
| Supplies and Disposals                                   | ..                     | Capital              | 122,50,00,000          | 122,50,00,000                                |
| Department of Rehabilitation                             | ..                     | Revenue              | 3,00,00,000            | 3,00,00,000                                  |
| Aviation   | ..                     | Capital              | 44,00,00,000           | 44,00,00,000                                 |
| Water Supply and Sewerage                                | ..                     | Revenue              | 24,00,000              | 19,19,000                                    |
| Housing and Urban Development                            | ..                     | Capital              | ..                     | 43,10,000                                    |
| Department of Electronics                                | ..                     | Revenue              | 58,00,000              | 58,00,000                                    |
| ..   | Revenue                | 1,000                | ..                     | 1,000  |
| ..   | Capital                | 2,16,00,000          | ..                     | 2,16,00,000                                  |
| Total  | ..                     | 948,39,78,000        | 12,422,23,43,000       | 13,370,63,21,000                             |

अनुपूरक

शन्य

## PART V

वधानत जनाव तहसीलदार वग्ल्यारात सहायक समाहत्त  
प्रथम थेनी, कांगड़ा

केत नं 15/81 तकसीम

किशन सिंह वनाम प्युगलो आदि  
श्री किशन सिंह पुत्र राम सिंह, वासी रजोल, तहसील व जिला  
कांगड़ा

वनाम

1. श्रीमती प्युगलो देवी देवा रमेल सिंह
2. श्री कम सिंह पुत्र रमेल सिंह
3. श्री जगहर सिंह पुत्र रमेल सिंह
4. श्रीमती गायत्री देवी पुत्री रमेल सिंह
5. श्रीमती शकुंतला देवी पुत्री रमेल सिंह
6. श्रीमती कमलग कुमारी पुत्री रमेल सिंह
7. मृति मुरली मनोहर, मन्दिर मुरली मनोहर द्वारा श्रीमती सत्या  
देवी पुत्री आजा राम पत्ती चन्दुलाल, वासी नेरटी, तहसील व  
— मसूलइलम।

दरखास्त तकसीम भूमि खाता नं 46 खतोनी प्लॉट,  
72 व 73 किता 3 खसरा नम्बरान 233 मिन, 13 मि-  
मिन व 233 मिन न्यू खसरा नम्बरान 372, 36, 376 व  
किता 4 रकवा 0-11-11 वाक्या मुहाल थड़ा, वा रजोल, तहसील  
व जिला कांगड़ा।

उपरोक्त विषय में मसूलइलम नम्बर 4 व 5 के  
कई बार समन जारी किये गए परन्तु को ताशील न  
इसलिए अदालत हजा को पूर्ण विवास करका है कि इनकी 11  
आसान तरीका से न हो सकती है। सालिए उन्हे इस्तहार  
सूचित किया जाता है कि वह वराए एवं पैरवी मुकदमा अपने  
हमारी न्यायालय में दिनांक 2-7-80 को असालतन या बकाल  
हाजिर आवे गैर हाजरी की से में उनके विरुद्ध यक तर  
कारबाई अमल में लाई जावेगी।

आज दिनांक 12-3-1981 मेरे हस्ताक्षर व मोहर  
द्वारा जारी किया गया।

मोहर।

आर० एम० चौ  
सहायक समाहत्ता, प्रथम  
तहसील कांगड़ा